

Attachments

The EA is incorporated by reference into the Finding of No Significant Impact (FONSI). Copies of the EA and the FONSI are available for purchase upon request from Allison Ray, WSDOT I-405 Project Office, 600 108th Avenue NE, Suite 405, Bellevue, WA 98004; telephone (425) 456-8610.

The following attachments are incorporated into this FONSI:

- Attachment 1: Errata to EA
- Attachment 2: Notice of Availability of FONSI and SEPA Determination of Nonsignificance
- Attachment 3: FONSI Distribution List
- Attachment 4: Mitigation Commitment List
- Attachment 5: Comments and Responses
- Attachment 6: Concurrence Letters

Attachment 1: Errata to EA and DRs

Errata due to the Updated Project Description

The following corrections apply to the Environmental Assessment (EA) and accompanying Discipline Reports (DRs) for the I-405 Bellevue Nickel Improvement Project, I-90 to Southeast 8th Street, which was issued on January 30, 2006. These corrections reflect the updated Project Description and in no way change the Finding of No Significant Impact (FONSI); therefore the issuance of a revised EA is unnecessary. Changes to EA or DR text are identified by their corresponding page number in the document's original published edition. Where they overlap, changes integral to the Project Description are pre-emptive of other minor changes that appear in the next section.

Changes to the EA Due to Changes in the Project Description

Page 4-1

Existing Language

In the southbound direction, we plan to add one new travel lane from approximately Southeast 8th Street to I-90 (Exhibit 4-1). In addition, we will extend the existing outside southbound HOV lane at I-90 northward so that it begins at the on-ramp from Southeast 8th Street.

To add these lanes and maintain traffic flow during construction, we will shift approximately 3,000 feet of the southbound roadway as much as 200 feet east into the existing median.

The relocated southbound roadway will connect to the existing southbound travel lanes just north of the I-90 interchange, and south of the existing bridge over Southeast 8th Street.

- We will build a new tunnel underneath the BNSF railroad, just east of the existing Wilburton Tunnel, to accommodate the relocated and widened southbound roadway. The existing tunnel does not have the capacity to accommodate additional lanes of southbound traffic.

Updated Language

In the southbound direction, we plan to add one general new travel lane from approximately Southeast 8th Street to I-90 (Exhibit 4-1). In addition, the existing outside HOV lane at I-90 will be extended north so that it begins at the on-ramp from Southeast 8th Street. The existing Wilburton Tunnel will be removed to complete the improvements.

Page 5.1-7, Transportation “How will the project improve safety?”

Existing Language

The project design includes constructing a new Wilburton Tunnel on southbound I-405 and widening the existing narrow shoulders through the tunnel to satisfy current design standards. This improvement will reduce the potential for drivers to collide with fixed objects.

Updated Language

Removal of the existing Wilburton tunnel will improve safety in the area. The existing tunnel has non-standard shoulders, which will be improved as part of the Bellevue Nickel project.

Page 5.3-3, Fisheries and Aquatic Resources “Construction in or over Existing Streams”

The following existing language has been deleted:

During construction, we will realign the southbound I-405 roadway to the east into the existing median to allow for the construction of a new 7-lane tunnel. As a result, we will permanently cover approximately 500 linear feet, and approximately 0.25 acre of Median Stream.

Page 5.3-3, “Streamside Vegetation Removal”

Existing Language

The project will permanently remove approximately 1.7 acres of streamside vegetation along 500 linear feet of Median Stream.

Updated Language

The project will permanently remove approximately 0.07 acre of streamside vegetation along 227 linear feet of Median Stream.

Page 5.4-11, “How will we mitigate for unavoidable adverse effects?”

Existing Language

We will mitigate for unavoidable effects to Median Stream in coordination with federal and state resource agencies. We have developed a preliminary stream mitigation plan that includes on-site habitat restoration and creation.

The conceptual stream mitigation plan includes the following specific elements shown in Exhibit 5.4-2.:

- Approximately 500 linear feet of new stream channel between southbound I-405 and 118th Avenue Southeast.
- Approximately 1.2 acres of new streamside vegetation along the newly created stream channel.
- Approximately 0.9 acre of enhanced stream buffer created by removing non-native plant species and replacing with native streamside vegetation.

These measures will produce a long-term improvement in functions and values of the water flow throughout this area, including wetlands, and will improve their ability to support any species that depend on this type of habitat.

Updated Language

We will mitigate on site for unavoidable effects to Median Stream in coordination with federal and state resource agencies. We are developing a preliminary plan that includes on-site habitat enhancement. The measures will produce a long-term improvement in functions and values of the water flow throughout the area, and will improve the ability of the area to support any species that depend on this type of habitat.

Page 5.4-12

Exhibit 5.4-2 Conceptual Stream Mitigation Plan has been deleted

Page 5.5-11-12, “How will the project affect wildlife habitat connectivity?”

Existing Language

Under the Build Alternative, temporary construction effects to wildlife habitat connectivity will occur within the study area. However, we will preserve connectivity in the long term....The project may also temporarily affect wildlife using the Southeast 8th Street underpass to travel from one side of the interstate to the other. This may occur if animals avoid the area due to human activity associated with construction, particularly if construction were to occur at night.

Updated Language

Under the Build Alternative, there will be effects to construction and wildlife habitat connectivity within the study area. However, we will preserve some connectivity within the project area.

Page 5.5-13, “Will we mitigate any unavoidable negative effects?”

Existing Language

Under the Build Alternative, there will also be...is not required. We will however, provide additional vegetative cover on top of the new Wilburton Tunnel to preserve the existing wildlife corridor across I-405 along the BNFS right of way. We will also plant native shade-tolerant vegetation in areas near elevated roadways and ramps where feasible and practical.

Updated Language

Under the Build Alternative, there will also be permanent loss of upland vegetation in the study area. However, where feasible and practicable, we will replace lost upland vegetation and plant native shade-tolerant vegetation in areas near elevated roadways and ramps.

Page 5.6-1

Exhibit 5.6-1 “Wetlands in the Study Area” has been updated to show permanent and temporary wetland effects.

Page 5.6-8, “How will the project affect wetlands?”

Existing Language

The project will permanently affect three of the nine wetlands identified in the study area and result in a total of 0.94 acre of wetland fill.

Updated Language

The project will permanently affect three of the nine wetlands identified in the study area and result in a total of 0.131 acre of wetland fill.

Page 5.6-8, “How will the project affect wetlands?”

Existing Language

Wetland 12.45M at 1.69 acres, is the largest wetland affected by the project. Filling 0.87 acre of the western portion of this wetland will reduce its capacity to store stormwater, filter pollutants, and provide wildlife habitat. Because the unaffected portion of the wetland receives water from seeps, it will continue to be a wetland with the ability to filter pollutants and provide wildlife habitat functions.

Updated Language

Wetland 12.45M at 1.45 acres, is the largest wetland affected by the project. Construction activities will permanently impact 0.074 acre of the western portion of Wetland 12.45M and eliminate Wetlands 12.0M and 12.5M

Page 5.6-9, “How will construction activities temporarily affect wetlands?”

Existing Language

Construction activities will temporarily disturb an additional 0.01 acres of wetland 12.9M, and 0.17 acres of wetland 12.45M. After construction of the project is complete, we will restore these areas and replant them with appropriate vegetation. We will develop a project specific plan before construction to identify how restoration will occur.

Updated Language

Construction activities will temporarily disturb an additional 0.078 acre of Wetland 12.45M. The proposed work will also result in 1.274 acres of permanent impact and 0.420 acres of temporary effects to the buffers of wetlands 12.4L and 12.45M.

Page 5.8-3

Exhibit 5.8-1 (the “After” artist’s rendering) has been replaced with this updated version:



Global Changes for all DRs Due to Changes in the Project Description

Pages 4-5 “Improvements to SB I-405”

Existing Language

In the SB direction, we plan to add one new travel lane from approximately SE 8th Street to I-90 (Exhibits 2, 3, and 4). In addition, the existing outside HOV lane at I-90 will be extended north so that it begins at the on-ramp from SE 8th Street. In order to add these lanes and maintain traffic flow during construction, we will shift approximately 3,000 feet of the SB roadway as

much as 200 feet east into the existing median. The relocated SB roadway will connect to the existing SB travel lanes just north of the I-90 interchange, and south of the existing bridge over SE 8th Street.

We will build a new tunnel underneath the BNSF railroad, just east of the existing Wilburton Tunnel, to accommodate the relocated and widened SB roadway. The existing tunnel does not have the capacity to accommodate the additional lanes of SB traffic.

The existing SB travel lanes and the Wilburton Tunnel will remain open to traffic during construction of the new tunnel and the relocated/widened SB lanes. We will also build the new tunnel wide enough to accommodate additional lanes. The existing tunnel will remain after we complete the improvements.

Updated Language

In the SB direction, we plan to add one new travel lane from approximately SE 8th Street to I-90 (Exhibits 2, 3, and 4). We will add the new lane on the median side of the existing SB lanes of 405. In addition, the existing outside HOV lane at I-90 will be extended north so that it begins at the on-ramp from SE 8th Street. The existing Wilburton Tunnel will be removed.

Page 6

Exhibit 3 (Sheet 2 of 3) has been updated

Page 8 “Improvements to SB I-405”

The following existing language has been deleted

- Temporarily shift the existing BNSF railroad track from its current alignment to allow for continuous railroad operation during construction of the new tunnel.

Page 9 “Improvements to the Stormwater Management System”

Existing Language

Currently, we treat less than 5 percent of the existing runoff from paved surfaces... We will improve this condition by treating more than 17 percent more area than the new paved surface area we create...

We will construct three new stormwater...Two of the new ponds will be located south of the Wilburton Tunnel between the SB lanes and the BNSF railroad ROW....

Updated Language

Currently, we treat less than 5 percent of the existing runoff from paved surfaces...We will improve this condition by treating more than 260 percent of the new impervious surface area we create...

We will construct three new stormwater...Two of the new ponds will be located south of where the existing Wilburton Tunnel is located and between the SB lanes and the current BNSF railroad ROW...

Page 10 “Wetland and Stream Mitigation Sites”

Existing Language

Similarly, we will compensate for unavoidable effects to “Median Stream,” the unnamed stream within the I-405 median. We have developed a conceptual stream mitigation plan that includes on-site habitat restoration and creation. The conceptual stream mitigation plan includes the following specific elements (See Exhibit 6):

- Connect the new Median Stream culvert under I-90 to the existing channel and wetland located west of SB I-405.
- Create approximately 500 linear feet of stream channel along the western slope of SB I-405.
- Buffer the created stream channel with approximately 16,000 square feet of native streamside vegetation.
- Enhance approximately 300 linear feet of riparian habitat west of SB I-405 by removing selected non-native invasive plant species and replacing with native streamside vegetation.

Updated Language

We will mitigate on site for unavoidable effects to “Median Stream,” the unnamed stream within the I-405 median.

Page 12

Delete Exhibit 6. Conceptual Stream Mitigation Plan

Individual DR Changes Due to Changes in the Project Description

Updating the project description resulted in no other modifications to the content of the DRs listed below:

- Land Use Patterns, Plans and Policies
- Historic, Cultural, and Archaeological Resources
- Public Services
- Air Quality
- Noise and Vibration
- Geology, Soils, and Groundwater
- Hazardous Materials
- Energy
- Section 4(f) Evaluation
- Cumulative Effects

Revisions specific to other resources are detailed below by individual report.

Transportation DR

Page 13 “What are the key points of this report?”

The following existing language has been deleted

The project will also reconstruct the Wilburton Tunnel on southbound I-405 and widen the existing narrow shoulders in the tunnel to design standards.

Page 35 “How will the project affect freeway safety?”

The following existing language has been deleted

The project will reconstruct the Wilburton Tunnel on southbound I-405 and widen the existing narrow shoulders through the tunnel to safer design standards. This improvement will reduce the potential for drivers to collide with fixed objects.

Page 37 “How will construction affect transportation?”

Existing Language

The majority of the Bellevue Nickel Improvement Project construction will involve widening I-405. The addition of the new southbound I-405 lane will require the construction of a new Wilburton Tunnel. During construction of the new Wilburton Tunnel the Burlington Northern Santa Fe Railroad tracks will be temporarily realigned. No track closures are anticipated during this realignment; however speeds may be reduced through this area. Two bridges will also be widened with this project, one northbound over the BNSF Railroad and one southbound over SE 8th Street.

Updated Language

The majority of the Bellevue Nickel Improvement Project construction will involve widening I-405. The addition of the new southbound I-405 lane will require the removal of the Wilburton Tunnel. Two bridges will also be widened with this project, one northbound over the BNSF Railroad and one southbound over SE 8th Street.

Page 37 “How will construction vehicle volumes affect the transportation network?”

Existing Language

We estimate 8,200 fill-loaded and an equivalent number of unloaded trucks will be used during construction. The fill deliveries would occur over a period of approximately 15 months. The majority of trucks will be used to reconstruct the Wilburton Tunnel on southbound I-405 between SE 8th Street and I-90. There is no surface street access to the inside of the I-405 southbound lanes within the tunnel. Therefore, construction trucks will have to access the Wilburton Tunnel via I-405. This construction traffic may use the adjacent I-405 interchanges. The truck routes will not be known until a construction contract is assigned.

Updated Language

We estimate 8,200 fill-loaded and an equivalent number of unloaded trucks will be used during construction. The fill deliveries would occur over a period of approximately 15 months. The majority of trucks will be used to remove material in order to construct the roadway. This construction traffic may use the adjacent I-405 interchanges. The truck routes will not be known until a construction contract is awarded.

Social Elements DR

Page 32 “How will project construction affect communities and neighborhoods?”

Existing Language

However, construction the new Wilburton Tunnel may require temporary night and weekend closures of the SB lanes.

Updated Language

However, removal of the existing Wilburton Tunnel may require temporary night and weekend closures of the SB lanes.

Economics DR

Page 35 “How will construction-related traffic delays affect local businesses?”

Existing Language

No weekday daytime lane closures are anticipated for the construction of this project but the construction of a new Wilburton Tunnel on southbound I-405 may require temporary night and weekend lane closures to allow for transition back onto the existing alignment. Full freeway closures may be required at limited times to shift the traffic between phases of construction.

Updated Language

No weekday daytime lane closures are anticipated for the construction of this project. Full freeway closures may be required at limited times to shift the traffic between phases of construction.

Environmental Justice DR

Page 38 “How will the project benefit minority and low-income populations?”

Existing Language

The project will also reconstruct the Wilburton Tunnel on southbound I-405 and widen the existing narrow shoulders in the tunnel to design standards.

Updated Language

The project will also remove the Wilburton Tunnel on southbound I-405 so that the general-purpose lane can be added and the existing narrow shoulders can be widened to design standards.

Visual Quality DR

Page 14 “What are the key points of this report?”

Existing Language

- Views of approximately 50-foot retaining walls along the eastern edge of the southbound roadway.

Updated Language

- Views of retaining walls up to 35 feet high along the eastern edge of the southbound roadway.

Surface Water, Floodplains, and Water Quality DR

Page 16 “What are the key points of this report?”

Existing Language

The project will result in a minor increase in phosphorous, nitrogen, chemical oxygen demand, and metals, and a likely reduction in suspended solids, discharged from the project to the local drainages.

Updated Language

Stormwater from all of the new pavement and some of the existing pavement will be collected and treated using enhanced water quality treatment best management practices. This approach will substantially reduce the pollutant loading from the highway that currently discharges to Mercer Slough. Substances reduced will include total suspended solids, total copper, and total zinc.

Page 19

Exhibit 9. Surface Waters and Floodplains, MP to 13.0 has been updated to show the new alignment.

Page 37

Existing Language

Overall, the project will detain and treat stormwater from an area 117% of the size of the new impervious surface created by the project. The area of existing impervious surface that will be retrofitted for stormwater treatment is located at the northern end of the study area (TDAs D and E).

Updated Language

Overall the project will detain and treat stormwater from an area 260% of the size of the new impervious surface created by the project. The area of existing impervious surface that will be retrofitted for stormwater treatment is located throughout the project area.

Upland Vegetation DR

Page 38 - 39 “How will the Build Alternative affect wildlife habitat connectivity?”

Existing Language

Under the Build Alternative, temporary construction effects to wildlife habitat connectivity will occur within the study area. However we will preserve the connectivity in the long term.

The Build Alternative includes reconstructing the southbound lanes of I-405 in what is currently the median. This will necessitate the construction of a new tunnel under the BNSF ROW in the vicinity of the existing Wilburton Tunnel. WSDOT will convert the existing tunnel to one of its facilities.

During construction, the new tunnel will lack vegetative cover; however, once construction is completed, we will reestablish vegetation and over time, plant communities with characteristics similar to the existing condition will return. The new tunnel will continue to provide wildlife habitat connectivity over and across the southbound lanes.

Removing the vegetated median and constructing a retaining wall between southbound and northbound lanes in the vicinity of the existing Wilburton Tunnel may reduce the success rate with which animals attempt to cross the interstate by crossing the lanes of traffic. The retaining wall could trap the animals attempting to cross, forcing them to either travel along the interstate, increasing the risk of collision with vehicles, or forcing them to return in the direction they came.

The Build Alternative may also temporarily affect wildlife using the SE 8th Street underpass to travel from one side of the interstate to another. This may occur if animals avoid the area due to human activity associated with construction, particularly if construction were to occur at night.

Updated Language

Under the Build Alternative, permanent and temporary construction effects to wildlife habitat connectivity will occur within the study area. The removal of the Wilburton Tunnel and the construction of the retaining wall along the eastern boundary of the southbound lanes may reduce the ability of any animals to cross the interstate while avoiding traffic. The retaining wall could trap the animals attempting to cross, forcing them to either travel along the interstate, increasing the risk of collision with vehicles, or return in the direction they came and seek an alternative route.

The Build Alternative may encourage wildlife to use the SE 8th Street underpass to travel from one side of the interstate to another.

Page 39 “Does the project have other effects that could be delayed or distant from the project?”

Existing Language

We do not anticipate indirect effects to wildlife habitat connectivity since the new tunnel will maintain habitat connectivity in the study area.

Updated Language

Wildlife that used the median still can access this area even with the elimination of the Wilburton Tunnel. The existing direct access from the median to the Mercer Slough will no longer be possible due to the removal of the tunnel. We anticipate that wildlife will use the SE 8th Street underpass to travel from one side of the interstate to another.

Page 41 “How will we avoid or minimize adverse effects from construction?”

The following existing language has been deleted

- Providing vegetative cover in the potential wildlife corridor that would exist above the new tunnel.

Fisheries and Aquatic Resources DR

Page 14 “What are the key points of this report?”

Existing Language

The key effects to fisheries and aquatic resources from the project relate to “Median Stream” (the unnamed stream within the I-405 median, 08.MS-12.4, which crosses I-405 between MP 12.3 and 12.5). Project design will place this tributary almost entirely into a culvert. WSDOT will mitigate effects to this unnamed tributary in accordance with applicable local, state, and federal laws.

Updated Language

The key effects to fisheries and aquatic resources from the project relate to Median Stream. Project design will place this tributary into a culvert. There will be construction activities that will have permanent effects on the stream onsite. WSDOT will mitigate effects to the stream in accordance with applicable local, state and federal laws.

Page 38 “How will the project affect fisheries and aquatic resources?”

Existing Language

Project elements that will directly affect fisheries and aquatic resources include:

- Placing a presently open channel portion of Median Stream into a culvert to accommodate construction of a new I-405 southbound lane
- Encroaching into the riparian buffer of Median Stream

Updated Language

Project elements that will directly affect fisheries and aquatic resources include:

- Replacement of the existing Median Stream drop inlets and cross-drain pipes with an open-ended culvert to accommodate construction of the new I-405 southbound lanes
- Encroaching into the riparian buffer and area of Median Stream

Page 39 “Build Alternative – Overwater and In-stream Construction”

Existing Language

Under the Build Alternative, the I-405 southbound lane will be realigned to the east of the existing alignment to accommodate an additional southbound lane...The realignment will result in 10,942 square feet of the bankfull width of Median Stream (500 linear feet of stream channel) being permanently covered by the new roadway. In total, only 3,883 square feet of stream (150 linear feet of stream channel) will remain in an open stream channel after construction. We will direct existing stream flow into a new culvert.

Updated Language

Under the Build Alternative, the I-405 southbound lane will be widened to accommodate an additional southbound lane and will cover a portion of Median Stream. The widening will result in 3,101 square feet (277 linear feet) of the bankfull width of Median Stream being permanently covered by the new roadway. We will direct existing stream flow into a new culvert.

Page 41

Existing Language

In total, this project will affect 10,942 square feet of in-stream habitat (500 linear feet of stream) within the OHWM of Median Stream...

Updated Language

In total, this project will affect 3,101 square feet of in-stream habitat within the OHWM of Median Stream.

Page 42 “Riparian Buffer Encroachment”

Existing Language

In total, we will permanently remove 71,693 square feet of the riparian buffer of Median Stream (500 linear feet of riparian buffer). A significant portion of these buffer effects will occur on the stream’s left bank, which is composed mostly of Himalayan blackberry, upland grasses, and minimal, immature native deciduous trees.

Updated Language

In total, we will remove 3,101 square feet (227 linear feet) of the riparian buffer zone. The effects to the buffer will occur on the stream’s left bank, which is composed mostly of Himalayan blackberry, upland grasses, and minimal, immature native deciduous trees.

Page 43 “Stream Water Quantity”

Existing Language

The Bellevue Nickel Improvement Project will add approximately 10.3 acres of new impervious surface within the study area. This is approximately a 28-percent increase in impervious surface area over the existing impervious area associated with I-405.

Updated Language

The Bellevue Nickel Improvement Project will add approximately 6.6 acres of new impervious surface within the study area. This is approximately a 17.5 percent increase in the impervious surface area over the existing impervious area associated with I-405.

Page 46 “Stream Buffer and Riparian Vegetation”

Existing Language

In total, we will permanently remove 71, 693 square feet of stream buffer and riparian vegetation to build the project. In addition, we will temporarily disturb 2,976 additional square feet of stream buffer and riparian vegetation during project construction...

Updated Language

In total, we will permanently remove 3,101 square feet (227 linear feet) of stream buffer and riparian vegetation to build the project. In addition we will temporarily disturb 2,384 additional square feet of stream buffer and riparian vegetation during project construction...

Wetland DR

Page 13 “What are the key points of this report?”

Existing Language

The project will result in unavoidable permanent negative effects to 0.74 acre of wetlands and an additional 0.18 acre of temporary effects to wetlands...

Updated Language

The project will result in unavoidable permanent negative effects to 0.131 acre of wetlands and an additional 0.078 acre of temporary effects to wetlands...

Page 23

Exhibit 12: Bellevue Nickel Improvement Project Wetlands (sheet 3 of 4) has been updated to show the new footprint.

Page 36 “How will the project construction affect wetlands? – Permanent Effects”

Existing Language

Three wetlands (totaling 0.74 acre), of the nine wetlands identified in the study area, will be permanently affected as a result of the filling.

Updated Language

Three wetlands (totaling 0.131 acre), of the nine wetlands identified in the study area, will be permanently affected as a result of the filling.

Page 37 “Summary of Effects”

Existing Language

Project design will require filling an estimated 0.74 acre of wetland representing approximately 22 percent of the wetlands identified within the study area.

Updated Language

Project design will require filling an estimated 0.131 acre of wetland representing approximately 4 percent of the wetlands identified within the study area.

Errata Unrelated to the Updated Project Description

The following corrections apply to the EA for the I-405 Bellevue Nickel Improvement Project, I-90 to Southeast 8th Street, which was issued on January 30, 2006. These corrections clarify or enhance the readability of the EA. Because these changes neither alter the analysis nor the conclusion of the FONSI, the issuance of a revised EA is unnecessary. Changes to EA text are identified by their corresponding page number in the document's original published edition. Where they overlap, changes integral to the Project Description discussed above are pre-emptive of other minor changes that appear below. These minor revisions are incorporated into the EA by reference.

Page 2-2, fifth paragraph, “environmental analysis (EA)”

This has been changed to read “Environmental Assessment (EA).”

Page 5.1-1, the heading “What is traffic on I-405 like now?”

This heading has been changed to read “What is traffic on I-405 like now and what will happen in the future?”

Page 5.1-2, after the second full paragraph

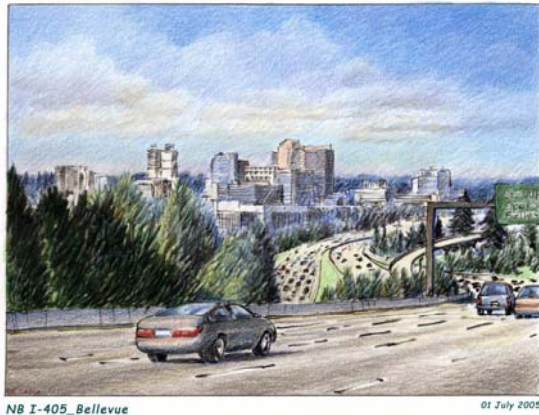
The following paragraph has been added:

“The Corridor EIS identified possibilities to better manage the corridor through tolling. WSDOT could achieve this through the use of High Occupancy Toll (HOT) lanes so that HOVs and transit could use the lane for free and other vehicles would pay a toll to use the lane. HOT lanes could be created through the conversion of the HOV lane and by converting one of the new lanes proposed by this project. The footprint identified in this document would not preclude implementation of HOT lanes. The freeway system would, however, operate differently if HOT

lanes were used. If HOT lanes were to be implemented in the future, additional operational analysis and any necessary environmental documentation would be prepared. An operational change to HOT lanes would be a future decision.”

Page 5.8-3, Exhibit 5.8-2 View of downtown Bellevue, the “After” artist’s rendering

The black-and-white figure has been replaced with this color version:



Page A-2, Glossary: chemical oxygen demand

“(COD)” has been added to the heading.

Page A-2, Glossary: “Chimical Oxygen demand”

This has been corrected to read “Chemical oxygen demand.”

Page A-2, Glossary: Code of Federal Regulations

“(CFR)” has been added to the heading and removed from the definition.

Appendix B

The order in which the measures were listed has been changed to match the order in which they were presented in the EA itself (not the appendices). The new order is as follows:

Project Measures to Avoid or Minimize Effects during Construction

- Measures for Traffic and Transportation
- Measures for Noise
- Measures for Fisheries and Aquatic Resources
- Measures for Water Quality
- Measures for Upland Vegetation and Wildlife
- Measures for Wetlands
- Measures for Cultural Resources
- Measures for Visual Quality
- Measures for Neighborhoods, Businesses, Public Services and Utilities
- Measures for Air Quality
- Measures for Geology, Soils, and Groundwater
- Measures for Hazardous Materials

Project Measures to Avoid or Minimize Effects during Project Operation

- Measures for Noise
- Measures for Fisheries and Aquatic Resources
- Measures for Surface Waters and Water Quality
- Measures for Upland Vegetation and Wildlife

Appendix B, Measures for Noise (During Construction)

The following Measure for Noise has been changed from “Noise berms and barriers will be erected prior to other construction activities to provide noise shielding,” to “WSDOT shall erect any temporary noise berms and barriers to provide noise shielding prior to other construction activities, if possible per the construction schedule.”

Appendix B, Measures for Upland Vegetation and Wildlife (During Construction)

The following Measure for Upland Vegetation and Wildlife has been changed from “WSDOT will prepare and implement a revegetation plan. In addition, areas with mixed forest will not be removed for temporary use (i.e., construction staging). If an area of mixed forest must be removed for roadway construction, it will be replaced with plantings of native tree and shrub species within the affected area.” to “WSDOT will prepare and implement a revegetation plan.”

The following Measure for Upland Vegetation and Wildlife has been changed from “WSDOT will limit construction activity to a relatively small area immediately adjacent to the existing roadway to minimize vegetation clearing and leave as many trees as possible.” to “WSDOT will minimize the amount of vegetation clearing to retain as many trees as practicable.”

Appendix B, Measures for Cultural Resources (During Construction)

The following Measure for Cultural Resources has been changed from “WSDOT will prepare an Unanticipated Discovery Plan for the project that the contractor will follow. This will avoid or minimize unanticipated effects to historic, cultural, and archaeological resources.” to “WSDOT will prepare an Unanticipated Discovery Plan for the project. This plan will include measures to avoid or minimize unanticipated effects to historic, cultural, and archaeological resources.

Appendix B, Measures for Neighborhoods, Businesses, Public Services, and Utilities (During Construction)

The following Measure for Neighborhoods, Businesses, Public Services, and Utilities has been changed from “... Potential utility conflicts within WSDOT right of way will be relocated at the utility’s expense prior to contract award.” to “... Potential utility conflicts within WSDOT right of way will be relocated at the expense of the appropriate party prior to or during construction.”

Appendix B, Measures for Geology, Soils, and Groundwater (During Construction)

The following Measure for Geology, Soils, and Groundwater has been changed from “Operational measures include removing mud and dirt from trucks before they leave the site, covering fill stockpiles or disturbed areas, and avoiding unnecessary vegetation clearing,” to “Measures include removing mud and dirt from trucks before they leave the site, covering fill stockpiles or disturbed areas, and avoiding unnecessary vegetation clearing.”

The following Measure for Geology, Soils, and Groundwater has been changed from “WSDOT will reduce degradation of moisture-sensitive soils by limiting major earthwork to the drier, late spring through early fall construction season; by maintaining proper surface drainage to avoid ponding of surface water or groundwater; ...” to “WSDOT will reduce degradation of moisture-sensitive soils by limiting major earthwork to maintain slope stability in such locations to when conditions are drier. Conditions are typically drier in the late spring through early fall construction season; by maintaining proper surface drainage to avoid and minimize ponding of surface water or groundwater; ...”

The following Measure for Geology, Soils, and Groundwater has been changed from “WSDOT will protect the Kelsey Creek aquifer from contamination by construction-related spills by

development and implementation of BMPs and a SPCC plan. The SPCC plan will specifically address fuel spills from vehicles and from spills of other chemicals commonly transported over I-405. Spill response equipment will be located at regular and specified intervals within the project area for minimizing countermeasure response times.” to “WSDOT will protect the Kelsey Creek aquifer from contamination by construction-related spills by development and implementation of BMPs and a SPCC plan. The SPCC plan will specifically address fuel spills from construction equipment. Spill response equipment will be located at regular intervals within the project area for minimizing response times.”

The following Measure for Geology, Soils, and Groundwater has been changed from “WSDOT will obtain a NPDES permit and will conduct a regular program of testing and lab work to ensure that water encountered during construction meets the water quality standards specified in the NPDES permit.” to “WSDOT will obtain a NPDES permit and will conduct testing as required to ensure that water encountered or generated during construction meets the water quality standards specified in the NPDES permit.”

Appendix B, Measures for Hazardous Materials (During Construction)

The following Measure for Hazardous Materials has been changed from “WSDOT will prepare an SPCC plan that provides specific guidance for managing contaminated media that may be encountered within the right of way.” to “WSDOT will prepare an SPCC plan that provides specific guidance for managing contaminated media that may be encountered within the right of way and/or generated during construction.”

The following Measure for Hazardous Materials has been changed from “WSDOT will consider entering into pre-purchaser agreements for the purpose of indemnifying itself against acquiring the responsibility for any long-term cleanup and monitoring costs.” to “WSDOT may enter into pre-purchaser agreements for the purpose of indemnifying itself against acquiring the responsibility for any long-term cleanup and monitoring costs.”

Appendix B, Project Measures to Avoid or Minimize Effects During Project Operation

The following Measure for Noise has been added to this section: Measures for Noise

A new noise wall will be constructed along the eastern edge of the I-405 right of way, approximately 1,000 feet north of the I-90 interchange. The noise wall will be approximately 725 feet long and 16 feet high.”

Appendix B, Measures for Water Quality (During Project Operation)

The following sentence has been changed from “Where drainage is to a tributary to Mercer Slough, WSDOT will construct a stormwater management system that does provide flow control,” to “Where drainage is to a tributary to Mercer Slough, WSDOT will construct a stormwater management system that provides flow control.”

Appendix B, Measures for Fisheries and Aquatic Resources (During Project Operation):

The following measure has been changed from “WSDOT will compensate for adverse effects to fish habitat and aquatic resources by providing in-kind mitigation. This in-kind mitigation will take the form of on-site, off-site, or a combination of on- and off-site mitigation,” to “WSDOT will compensate for adverse effects to fish habitat and aquatic resources by providing mitigation on site.”

The following measure has been removed: “Off-site mitigation could include planting native riparian vegetation outside of the study area in areas where restoring native riparian buffers may

have a greater benefit to fish and aquatic species. Mitigation could be concentrated along streams with high fish use where important stream processes and functions related to riparian buffers (for example, large woody debris [LWD] recruitment levels, litter fall, and bank stabilization) are impaired.”

The following measure has been changed from “On-site/off-site mitigation could include installing in-stream habitat features (for example, boulders or LWD) in the streambed downstream of the project footprint to increase the habitat complexity of the affected waterbody,” to “On-site mitigation will include installing in-stream habitat features (for example, boulders or LWD) in the streambed downstream of the project footprint to increase the habitat complexity of the affected waterbody.”

The following measure has been changed from “Ongoing maintenance (during and post-construction) of stormwater treatment and detention facilities by WSDOT will not include the application of any chemical weed control agents (e.g., herbicides),” to “Ongoing maintenance (during and post-construction) of stormwater treatment and detention facilities by WSDOT will not include the application of any unapproved chemical weed control agents (e.g., herbicides).”

Appendix B, Measures for Surface Waters and Water Quality (During Project Operation):

The following measure has been changed from “WSDOT will follow the Highway Runoff Manual for both the design and implementation of stormwater facilities. WSDOT is not required to manage flow where drainage is directly to Mercer Slough. Where drainage is to a tributary to Mercer Slough, WSDOT will construct a stormwater management system that provides flow control,” to “WSDOT will follow the Highway Runoff Manual for both the design and implementation of stormwater facilities as well as for water quality treatment. WSDOT is not required to manage flow where drainage is directly to Mercer Slough. Where drainage is to a tributary to Mercer Slough, WSDOT will construct a stormwater management system that provides flow control to match existing peaks as required to protect existing drainage systems between I-405 and the wetlands.”

Appendix C, footer on the December 3, 2005 tribal consultation letters:

This has been changed to reflect the Bellevue Nickel Improvement Project January 2006 EA.

Attachment 2: Notice of Availability of FONSI and SEPA Determination of Nonsignificance

This attachment provides the notices prepared for the FONSI and the Determination of Nonsignificance (DNS) prepared under State Environmental Policy Act (SEPA) Rules along with information on publication of these notices.

NOTICE OF AVAILABILITY OF FINDING OF NO SIGNIFICANT IMPACT, I-405 – I-90 to SE 8TH STREET – BELLEVUE NICKEL IMPROVEMENT PROJECT

The Federal Highway Administration (FHWA) issued the I-405, Bellevue Nickel Improvement Project Finding of No Significant Impact (FONSI) on August 31, 2006.

This finding is based on the evaluation of the Environmental Assessment (EA) as issued on January 30, 2006, and public and agency input during the public comment period from January 30 through March 3, 2006. The public comment period included a public hearing on February 7, 2006.

Description of Proposed Project

The FHWA and the Washington State Department of Transportation (WSDOT) issued the Environmental Assessment on January 30, 2006. The Bellevue Nickel Improvement Project (BNIP) provides for improvements on I-405 from I-90 to SE 8th Street. The following improvements for the BNIP are part of the I-405 Corridor Program:

- WSDOT will construct a northbound general-purpose lane from the I-90 to I-405 northbound merge to the I-405/SE 8th Street interchange;
- WSDOT will construct a southbound general-purpose lane from just north of the I-405/SE 8th Street interchange to the I-405/I-90 interchange; and
- WSDOT will extend the existing southbound high-occupancy vehicle lane that exits at I-90 northward to the on-ramp at SE 8th Street.

Other features of the project include:

- Removing the Wilburton Tunnel to accommodate the proposed BNIP;
- Improving the SE 8th Street interchange by modifying both the on- and off-ramps, and widening the bridge over I-405;
- Improving water quality by designing and building stormwater management facilities;
- Re-striping the on-ramp from I-90 to northbound I-405;
- Implementing measures to avoid or minimize impacts to the environment;
- Constructing a new noise barrier approximately 725 feet long along northbound I-405 approximately 1,000 feet north of the I-90 interchange;
- Using Context Sensitive Solutions (CSS) during the project to incorporate the elements of the environment and aesthetics throughout the project;
- Creating a new stream channel within the right of way to maintain functions and values of “Median Stream”; and
- Creating a wetland mitigation site at Kelsey Creek Park.

Where Can I View the EA and FONSI?

Copies of the I-405 BNIP EA and the FONSI will be available for a cost of \$40 and \$7, respectively, which does not exceed the cost of printing. The EA and the FONSI may also be reviewed at the WSDOT address below. Both documents are available for review online at: <http://www.wsdot.wa.gov/projects/I405/Corridor/Library/Bellea>, at the WSDOT I-405 Project Office, 600 108th Avenue, NE, Suite 405, Bellevue, and the U.S. Department of Transportation, Federal Highway Administration, 711 South Capitol Way, Suite 501, Olympia. The EA and FONSI will also be available at the following public libraries:

- Bellevue Community College
- Bellevue Regional Library
- Bothell Regional Library
- Kirkland Library
- Mercer Island Library
- Newport Way Library
- Suzzallo Library, University of Washington
- Woodinville Library

Who Can I Call with Questions?

Please call Allison Ray, WSDOT I-405 Project Office, 600 108th Avenue NE, Suite 405, Bellevue, WA 98004; telephone (425) 456-8610 if you have any questions.

Usted puede pedir estos materiales escritos en español o solicitar un interprete llamando a Jose Rivera at (360) 705-7098.

Individuals requiring reasonable accommodations may request written materials in alternative formats, sign language interpreters, and physical accessibility accommodations by calling (360) 705-7097. Persons who are deaf or hard of hearing, please call the Washington State Telecommunications Relay Service, or Tele-Braille at 7-1-1, Voice 1 (800) 833-6384, and ask to be connected to (360) 705-7097.

FHWA and WSDOT ensure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes by prohibiting discrimination based on race, color, national origin, and sex in the provision of benefits and services. For more information about Title VI, please call Jose Rivera, the WSDOT Title VI Coordinator, at (360) 705-7098.

The preceding legal notice was advertised in the following newspaper on the date noted:

King County Journal, August 31, 2006

NOTICE OF DETERMINATION OF NONSIGNIFICANCE

Washington State Department of Transportation (WSDOT) issued a determination of nonsignificance (DNS) for the Bellevue Nickel Improvement Project, which extends for approximately 2 miles along Interstate (I)-405 (milepost 11.17 to milepost 13.2) from I-90 to just north of SE 8th interchange. These improvements are a part of the I-405 Corridor Program. The Proposed Action includes the following improvements to support construction and operation of the facility:

- Construct a northbound general-purpose lane from the I-90 to I-405 northbound merge to the I-405/SE 8th Street interchange;
- Construct a southbound general-purpose lane from just north of the I-405/SE 8th interchange to the I-405/I-90 interchange; and
- Extend the southbound HOV lane on the right-hand side that exits to I-90 to SE 8th Street.

Other features of the project include:

- Construct a new Wilburton Tunnel on southbound I-405 to accommodate the project and future expansion;
- Reconfigure and modify ramps at SE 8th Street;
- Widen bridge over SE 8th Street and Burlington Northern Santa Fe railroad to accommodate new lanes;
- Construct several retaining walls to accommodate the project and future expansion;
- Construct stormwater management facilities to provide water quality treatment and detention and upgrade the conveyance system;
- Implement Context Sensitive Solutions during the project to incorporate the elements of the environment and aesthetics throughout the project;
- Implement measures that avoid or minimize effects to the environment;
- Use a fill pad at Kelsey Creek Park for wetland mitigation site;
- Create a stream on site within WSDOT right of way between southbound I-405 and 118th Ave Southeast for stream mitigation; and
- Construct a noise barrier approximately 725 feet long along northbound I-405 immediately north of I-90.

The Bellevue Nickel Improvement Project will provide many short- and long-term benefits. Some of these benefits are:

1. Improving traffic speeds between SE 8th and I-90;
2. Increasing safety with the elimination of the merge from I-90 to Northbound I-405;
3. Improving traffic flow with the extension of the HOV lane, that exits to I-90 on Southbound I-405, to the SE 8th on-ramp;
4. Improving water quality conditions in the project area by treating approximately 117 percent of the new impervious surfaces;
5. Maintaining rail operations during construction;

6. Creating a new stream within WSDOT right of way, between I-405 and 118th Street, that provides habitat for resident fish and other species;
7. Building a more functional wetland at Kelsey Creek Park as compared to the wetland area affected by the project;
8. Constructing a new noise wall at the edge of right of way that will shield residents from highway noise; and
9. Implementing CSS design principles to improve project appearance.

After review of a completed environmental checklist and other information on file with the agency, WSDOT has determined that this proposal will not have a probable significant adverse impact on the environment. Please note that our checklist document is titled *I-405, I-90 to SE 8th Street – Bellevue Nickel Improvement Project Environmental Assessment*, and it was completed in January 2006. The document is available to view during normal business hours at: I-405 Project Office, 600 108th Avenue NE, Suite 405, Bellevue; Bellevue Community College Library, Bellevue Regional Library, Bothell Regional Library, Kingsgate Library, Kirkland Library, Mercer Island Library, Renton Public Library, and Suzzallo Library (University of Washington). The document is also available electronically at www.wsdot.wa.gov/projects/i405/corridor/library/bellea

Copies of the DNS are available at no charge from Allison Ray, at the I-405 Project Office, 600 108th Avenue NE, Suite 405, Bellevue, WA 98004. The public is invited to comment on this DNS by submitting written comments no later than March 31, 2006, to Allison Ray, WSDOT Environmental Manager, at the above address.

The preceding legal notice was advertised in the following newspaper on the dates noted:

King County Journal, March 17, 2006.

Attachment 3: FONSI Distribution List

To promote good communication and enhance interagency coordination, we acknowledge that this FONSI is a public document and has involved the public, agencies, and tribes in implementing NEPA procedures. The FONSI was sent to the following government agencies, tribes, organizations, and elected officials:

Federal Agencies

U.S. Army Corps of Engineers
U.S. Department of the Interior, Fish and Wildlife Service
U.S. Department of Transportation, Federal Transit Administration
U.S. Environmental Protection Agency, Region 10
U.S. Federal Highway Administration
U.S. National Marine Fisheries Service

Tribal Governments

Confederated Tribes and Bands of the Yakama Nation
Duwamish Tribe
Muckleshoot Tribe
Snoqualmie Tribe
Tulalip Tribes

State Agencies

Washington State Department of Archaeological and Historic Preservation
Washington State Department of Ecology
Washington State Department of Fish and Wildlife
Washington State Department of Natural Resources
Washington State Transportation Commission

Local Agencies

City of Bellevue

Kim Becklund
Lucy Garrick
Franz Loewenherz
Michael Paine
Kit Paulsen
Goran Sparrman
Bernard Van DeKamp

Multi-Agency Permitting Team

Doug Dobkins, King County Department of Development and Environmental Services
Jim Fraser, Washington State Department of Fish & Wildlife
Kim Harper, Washington State Department of Ecology
John Maas, Washington State Department of Transportation
Christina Martinez, Washington State Department of Transportation
Rebecca McAndrew, U.S. Army Corps of Engineers
Rebecca Ponzio, Washington State Department of Ecology
Don Ponder, Washington State Department of Fish & Wildlife

Libraries

Bellevue Community College
Bellevue Regional Library
Bothell Regional Library
Foster Library
Kingsgate Library
Kirkland Library
Mercer Island Library
Newport Way Library
Renton Public Library
Suzzallo Library, University of Washington
Woodinville Library

Elected Officials**U.S. Senators**

Maria Cantwell
Patty Murray

U.S. House of Representatives (Congressmen)

Jay Inslee, 1st Congressional District
David G. Reichert, 8th Congressional District
Adam Smith, 9th Congressional District

Washington State Senators

Luke Esser, 48th District
Darlene Fairley, 32nd District
Bill Finkbeiner, 45th District
Stephen Johnson, 47th District
Karen Keiser, 33rd District
Adam Kline, 37th District
Rosemary McAuliffe, 1st District
Cheryl Pflug, 5th District
Margarita Prentice, 11th District
Paull Shin, 21st District
Val Stevens, 39th District
Brian Weinstein, 41st District

Washington State House of Representatives

Glenn Anderson, 5th District
Maralyn Chase, 32nd District
Judy Clibborn, 41st District
Mark Ericks, 1st District
Bob Hasegawa, 11th District
Zack Hudgins, 11th District
Ross Hunter, 48th District
Fred Jarrett, 41st District
Ruth Kagi, 32nd District
Dan Kristiansen, 39th District
Toby Nixon, 45th District
Al O'Brien, 1st District
Kirk Pearson, 39th District
Eric Pettigrew, 37th District
Mary Helen Roberts, 21st District
Jay Rodne, 5th District
Sharon T. Santos, 37th District
Shay Schual-Berke, 33rd District
Geoff Simpson, 47th District
Larry Springer, 45th District
Brain Sullivan, 21st District
Pat Sullivan, 47th District
Rodney Tom, 48th District
Dave Upthegrove, 33rd District

Attachment 4: Mitigation Commitment List

This attachment describes project mitigation commitments. The mitigation measures are organized by elements of the environment, as presented in the EA. These commitments were included in the EA as Appendix B, “Avoidance and Minimization Measures,” issued on January 30, 2006. This List of Commitments has been modified to identify the parties responsible for specific commitments and to incorporate revisions to the text.

These commitments have been adopted as part of FHWA’s final decision on the proposed project. They are listed to “assist with agency planning and decision-making” and to “aid an agency’s compliance with NEPA when no Environmental Impact Statement is necessary” [40 CFR 1501.3(b) and 1508.9(a) (2)].

List of Commitments Identified in the EA

WSDOT has well-established design and construction practices for avoiding or minimizing impacts resulting from environmental conditions anticipated along the project alignment.

The following sections describe the established design and construction practices that WSDOT will include to avoid or minimize impacts to the various environmental resources during both the construction and operation phases of the project.

Project Measures to Avoid or Minimize Effects during Construction

Design elements, such as modifications to boundaries of areas that can be affected, have been incorporated into the project specifications, construction plans, and procedures, to help avoid or minimize most potential construction impacts. When appropriate, monitoring will be conducted to ensure that these design and construction measures are effective.

Measures for Traffic and Transportation

- WSDOT will coordinate with local agencies and other projects to prepare and implement a Traffic Management Plan (TMP) prior to making any changes to the traffic flow or lane closures. WSDOT will inform the public, school districts, emergency service providers, and transit agencies of the changes ahead of time through a public information process. Pedestrian and bicycle circulation will be maintained as much as possible during construction.
- Prior to and during construction, WSDOT will implement strategies to manage the demand on transportation infrastructure. These transportation demand management strategies will form an important part of the construction management program and will be aimed at increasing public awareness and participation in HOV travel. The major focus will be on expanding vanpooling and van-share opportunities. Other elements of the transportation demand management plan may include:
 - Increased HOV awareness and public information, and
 - Work-based support and incentives.

Measures for Noise

- WSDOT shall erect any temporary noise berms and barriers to provide noise shielding prior to other construction activities, if possible per the construction schedule.
- The noisiest construction activities, such as pile driving, will be limited to between 7 a.m. and 10 p.m. to reduce construction noise levels during sensitive nighttime hours.
- Construction equipment engines will be equipped with adequate mufflers, intake silencers, and engine enclosures.
- Construction equipment will be turned off during prolonged periods of nonuse to eliminate noise.
- All equipment will be maintained appropriately and equipment operators will be trained in good practices to reduce noise levels.
- Stationary equipment will be stored away from receiving properties to decrease noise.

- Temporary noise barriers or curtains will be constructed around stationary equipment that must be located close to residences.
- Resilient bed liners will be required in dump trucks to be loaded on site during nighttime hours.
- WSDOT will use Occupational Safety and Health Administration (OSHA)-approved ambient sound-sensing backup alarms that will reduce disturbances during quieter periods.

Measures for Fisheries and Aquatic Resources

- WSDOT will implement construction best management practices (BMPs) (such as silt fencing or sedimentation ponds) to avoid disturbing sensitive areas during the development and use of any staging areas, access roads, and turnouts associated with resurfacing activities.
- WSDOT will not allow in-water work to occur except during seasonal work windows established to protect fish.
- WSDOT will require that all stormwater treatment wetland/detention facilities are sited and constructed at a sufficient distance from named and unnamed streams so no grading or filling in the streams or the streamside zones will be required.

Measures for Water Quality

In addition to measures for geology, soils, groundwater, and for hazardous materials that are protective of water quality, the following measures will be implemented for water quality:

- WSDOT will identify and develop staging areas for equipment repair and maintenance away from all drainage courses.
- Washout from concrete trucks will not be dumped into storm drains or onto soil or pavement that carries stormwater runoff.
- Thinners and solvents will not be used to wash oil, grease, or similar substances from heavy machinery or machine parts.
- WSDOT will designate a wash down area for equipment and concrete trucks.

Measures for Upland Vegetation and Wildlife

- WSDOT will ensure mitigation measures established in the I-405 Corridor EIS will be implemented on the Bellevue Nickel Improvement Project.
- WSDOT will prepare and implement a revegetation plan.
- WSDOT will adhere to project conditions identified in the Biological Assessment and agency concurrence letters.
- WSDOT will minimize the amount of vegetation clearing to retain as many trees as practicable.

Measures for Wetlands

- WSDOT will protect, preserve, and enhance wetlands in the project area during the planning, construction, and operation of transportation facilities and projects consistent with USDOT Order 5660.1A, Executive Order (EO) 11990, and Governor's EO 89-10 and EO 90-04.

- WSDOT's project-level design and environmental review has included avoidance, minimization, restoration, and compensation of wetlands. WSDOT will implement these measures prior to or concurrent with adverse effects on wetlands, to reduce temporal losses of wetland functions.
- WSDOT will follow guidance contained in the wetlands section of the WSDOT Environmental Procedures Manual (WSDOT 2004a), which outlines the issues and actions to be addressed prior to authorizing work that could affect wetlands.
- WSDOT will use high-visibility fencing to clearly mark wetlands to be avoided in the construction area.

Measures for Cultural Resources

- WSDOT will prepare an Unanticipated Discovery Plan for the project. This plan will include measures to avoid or minimize unanticipated effects to historic, cultural, and archaeological resources.

Measures for Visual Quality

- WSDOT will follow the I-405 Urban Design Criteria. Where the local terrain and placement of light poles allow, the WSDOT will reduce light and glare effects by shielding roadway lighting and using downcast lighting so light sources will not be directly visible from residential areas and local streets.
- WSDOT will restore (revegetate) construction areas in phases rather than waiting for the entire project to be completed.

Measures for Neighborhoods, Businesses, Public Services, and Utilities

- WSDOT will prepare and implement a transportation management plan (TMP). If local streets must be temporarily closed during construction, WSDOT will provide detour routes clearly marked with signs.
- WSDOT will coordinate with school districts before construction.
- WSDOT will implement and coordinate the TMP with all emergency services prior to any construction activity.
- WSDOT will coordinate with utility providers prior to construction to identify conflicts and resolve the conflicts prior to or during construction. Potential utility conflicts within WSDOT right of way will be relocated at the expense of the appropriate party prior to or during construction.
- WSDOT will prepare a consolidated utility plan consisting of key elements such as existing locations, potential temporary locations, and potential new locations for utilities; sequence and coordinated schedules for utility work; and detailed descriptions of any service disruptions. This plan will be reviewed by and discussed with affected utility providers prior to the start of construction.
- WSDOT will field-verify the exact locations and depths of underground utilities prior to construction.
- WSDOT will notify neighborhoods of utility interruptions by providing a schedule of construction activities in those areas.

- WSDOT will coordinate with utility franchise holders and provide them with project schedules to minimize the effects of utility relocations (for example, equipment procurement times, relocation ahead of construction, etc.).
- WSDOT will notify and coordinate with fire departments for water line relocations that may affect water supply for fire suppression, and establish alternative supply lines prior to any breaks in service; and to ensure that fire departments can handle all calls during construction periods and to alleviate the potential for increased response times.
- WSDOT will notify and coordinate with police departments to implement crime prevention principles and to ensure that they have adequate staffing to provide traffic and pedestrian control.
- WSDOT will maintain access to businesses throughout the construction period through careful planning of construction activities and an awareness of the need to provide adjacent properties with reasonable access during business hours. As part of construction management, WSDOT will prepare access measures. WSDOT will make provisions for posting appropriate signs to communicate the necessary information to potential customers.
- WSDOT will keep daytime street closures to a minimum to provide access for businesses during regular business hours.

Measures for Air Quality

- WSDOT will require preparation and implementation of a Fugitive Dust Control Plan in accordance with the Memorandum of Agreement between WSDOT and Puget Sound Clean Air Agency (PSCAA) Regarding Control of Fugitive Dust from Construction Projects (October 1999).
- During dry weather, exposed soil will be sprayed with water to reduce emissions of and deposition of particulate matter (PM10).
- WSDOT will provide adequate freeboard (space from the top of the material to the top of the truck), cover truckloads, and, in dry weather, wet materials in trucks to reduce emission of and deposition of particulate matter during transport.
- WSDOT will use wheel washers to remove particulate matter that would otherwise be carried off site by vehicles to decrease deposition of particulate matter on area roadways.
- WSDOT will remove particulate matter deposited on public roads to reduce mud on area roadways.
- WSDOT will cover or spray with water any dirt, gravel, and debris piles during periods of high wind when the stockpiles are not in use to control dust and transmissions of particulate matter.
- WSDOT will route and schedule construction trucks to reduce travel delays and unnecessary fuel consumption during peak travel times, and therefore reduce secondary air quality impacts (e.g., emissions of carbon monoxide and nitrogen oxides) that result when vehicles slow down to wait for construction trucks.

Measures for Geology, Soils, and Groundwater

- WSDOT will prepare and implement a temporary erosion and sedimentation control (TESC) plan consisting of operational and structural measures to control the transport of sediment.

Measures include removing mud and dirt from trucks before they leave the site, covering fill stockpiles or disturbed areas, and avoiding unnecessary vegetation clearing. Structural measures are temporary features used to reduce the transport of sediment, such as silt fences and sediment traps.

- WSDOT will reduce degradation of moisture-sensitive soils by limiting major earthwork to maintain slope stability in such locations to when conditions are drier. Conditions are typically drier in the late spring through early fall construction season; by maintaining proper surface drainage to avoid and minimize ponding of surface water or groundwater; by minimizing ground disturbance through limiting the use of heavy equipment, limiting turns, and/or not tracking directly on the subgrade; and by covering the final subgrade elevation with a working mat of crushed rock and/or geotextile for protection. Mixing a soil admix such as cement into the subgrade may also add strength and stabilize the ground.
- WSDOT will determine acceptable limits for off-site construction-related ground vibration before construction begins and demonstrate that off-site ground vibrations are within the limits set for the project through the use of vibration-monitoring equipment.
- WSDOT will identify areas subject to shaking from a large earthquake and will mitigate risks using ground modifications or other procedures identified in the WSDOT Geotechnical Design Manual.
- WSDOT will implement construction procedures identified in the geotechnical investigation to maintain or enhance slope stability in areas potentially underlain by landslide-prone soils.
- WSDOT will protect the Kelsey Creek aquifer from contamination by construction-related spills by development and implementation of BMPs and a spill prevention, control and countermeasures (SPCC) plan. The SPCC plan will specifically address fuel spills from construction equipment. Spill response equipment will be located at regular and specified intervals within the project area for minimizing response times.
- WSDOT will ensure only clean fill is imported and placed for the project and will require documentation for fill brought onto the site from the supplier certifying that the fill does not exceed Washington State soil cleanup standards. If documentation is not available, testing of imported fill soils will be required prior to placement. Suspect soils encountered during project construction will be tested and, where necessary, removed from the site and disposed of in accordance with Washington State regulations.
- WSDOT will identify and develop staging areas for equipment repair and maintenance away from all drainage courses. Washout from concrete trucks will not be dumped into storm drains or onto soil or pavement that carries stormwater runoff. A wash-down area for equipment and concrete trucks will be designated and the use of thinners and solvents to wash oil, grease, or similar substances from heavy machinery or machine parts will be prohibited.
- WSDOT will obtain a NPDES permit and will conduct testing as required to ensure that water encountered or generated during construction meets the water quality standards specified in the NPDES permit.
- WSDOT will meet the NPDES water quality standards prior to the discharge of the encountered water to a surface water body, such as Kelsey Creek. If necessary, water quality will be improved. An example of such an improvement would include the use of sediment ponds to allow settlement of sediment prior to discharge.

- If it is necessary to install seepage drains to control seepage for retaining walls and fill embankments, WSDOT will include special provisions in the design to discharge drain flow back into affected areas, including wetlands.

Measures for Hazardous Materials

Known or Suspected Contamination within the Build Alternative Right of Way

- WSDOT will prepare an SPCC plan that provides specific guidance for managing contaminated media that may be encountered within the right of way and/or generated during construction.
- WSDOT may be responsible for remediation and monitoring of any contaminated properties acquired for this project. WSDOT will further evaluate the identified properties before acquisition or construction occurs. Contamination in soils will be evaluated relative to the Model Toxics Control Act (MTCA).
- If WSDOT encounters an underground storage tank (UST) within the right of way, WSDOT will assume cleanup liability for the appropriate decommissioning and removal of USTs. If this occurs, WSDOT will follow all applicable rules and regulations associated with UST removal activities.
- WSDOT will conduct thorough asbestos-containing material/lead paint building surveys by an Asbestos Hazard Emergency Response Act (AHERA)-certified inspector on all property structures acquired or demolished. WSDOT will properly remove and dispose of all asbestos-containing material/lead-based paint in accordance with applicable rules and regulations.
- Construction waste material such as concrete or other harmful materials will be disposed of at approved sites in accordance with Sections 2-01, 2-02, and 2-03 of the WSDOT Standard Specifications.
- WSDOT may acquire the responsibility for cleanup of any soil or groundwater contamination encountered during construction (that must be removed from the project limits) within WSDOT right of way. Contamination will be evaluated relative to MTCA cleanup levels.
- WSDOT may enter into pre-purchaser agreements for the purpose of indemnifying itself against acquiring the responsibility for any long-term cleanup and monitoring costs.
- All regulatory conditions imposed at contaminated properties (e.g., Consent Decree) associated with construction will be met. These conditions could include ensuring that the surrounding properties and population are not exposed to the contaminants on the site: i.e., WSDOT will ensure that the site is properly contained during construction so that contaminants do not migrate off-site, thereby protecting the health and safety of all on-site personnel during work at the site.

Known or Suspected Contamination outside of the Right of Way

- Contaminated groundwater originating from properties located up-gradient of the right of way could migrate to the project area. WSDOT generally will not incur liability for groundwater contamination that has migrated into the project footprint as long as the agency does not acquire the source of the contamination. However, WSDOT will manage the contaminated media in accordance with all applicable rules and regulations.

Unknown Contamination

- If unknown contamination is discovered during construction, WSDOT will follow the SPCC plan as well as all appropriate regulations.

Worker and Public Health and Safety and Other Regulatory Requirements

WSDOT will comply with the following regulations and agreements:

- State Dangerous Waste Regulations (Chapter 173-303 Washington Administrative Code [WAC]);
- Safety Standards for Construction Work (Chapter 296-155 WAC);
- National Emission Standards for Hazardous Air Pollutants (CFR, Title 40, Volume 5, Parts 61 to 71);
- General Occupational Health Standards (Chapter 296-62 WAC); and
- Implementing Agreement between Ecology and WSDOT Concerning Hazardous Waste Management (April 1993).

Hazardous Materials Spills during Construction

- WSDOT will prepare and implement a SPCC plan to minimize or avoid effects on human health, soil, surface water, and groundwater.

Project Measures to Avoid or Minimize Effects during Project Operation

The following sections describe the measures that WSDOT will implement during project operation.

Measures for Noise

- A new noise wall will be constructed along the eastern edge of the I-405 right of way, approximately 1,000 feet north of the I-90 interchange. The noise wall will be approximately 725 feet long and 16 feet high.

Measures for Fisheries and Aquatic Resources

- WSDOT will compensate for adverse effects to fish habitat and aquatic resources by providing mitigation on site.
- On-site mitigation will include installing in-stream habitat features (for example, boulders or LWD) in the streambed downstream of the project footprint to increase the habitat complexity of the affected waterbody.
- Ongoing maintenance (during and post-construction) of stormwater treatment and detention facilities by WSDOT will not include the application of any unapproved chemical weed control agents (e.g., herbicides).

Measures for Surface Waters and Water Quality

- WSDOT will follow the *Highway Runoff Manual* for both the design and implementation of stormwater facilities as well as for water quality treatment. WSDOT is not required to manage flow where drainage is directly to Mercer Slough. Where drainage is to a tributary to Mercer Slough, WSDOT will construct a stormwater management system that provides flow control to match existing peaks as required to protect existing drainage systems between I-405 and the wetlands.

Measures for Upland Vegetation and Wildlife

- WSDOT will replace areas of mixed forest that will be permanently removed for roadway construction with plantings of native tree and shrub species within the affected area.

Attachment 5: Comments and Responses

In this attachment, we present written comments (via emails, EA public hearing forms, and letters), and oral comments (recorded during the February 7, 2006 public hearing) in the order they were received. Comments have been copied in their entirety and demarcated according to the index below. Our corresponding responses follow each letter, email, and form.

The nine comment letters that were submitted contain a total of 32 comments. Several of these comments pertain to noise wall feasibility and reasonableness. WSDOT's decision on whether or not to include each noise wall in the project was made according to whether each noise wall was deemed feasible and reasonable. Determination of engineering feasibility included whether barriers could be built in a location to achieve a noise reduction of at least 7 A-weighted decibels (dBA) at one or more receptors, and a reduction of at least 5 dBA at the majority of the first row of receptors.

Determination of reasonableness included the number of sensitive receptors benefited by at least 3 dBA, the cost-effectiveness of the barriers, and concerns such as aesthetics, safety, and the desires of nearby residents. WSDOT policy states that it is reasonable to provide as much as 700 square feet of barrier for residences that experience a noise level of 66 dBA or higher. The allowed reasonable area increases to 905 square feet per residence for a noise level of 69 dBA.

Index to Comments and Responses

Email Comments (EC)

Reid June (EC 1-1 through 1-3)
David D. Plummer (EC 2-1 through 2-3)
Renay Bennett (EC 3-1 through 3-3)

Written Comments (WC) (using comment form)

Steve Williams (WC 1-1 through 1-5)
Dennis N. Neuzil (WC 2-1 through 2-2)

Letter Comments (LC) (from agencies)

Rebecca Ponzio, Washington State Department of Ecology (LC 1-1 through 1-5)
Karen Walter, Muckleshoot Tribe (LC 2-1 through 2-9)

Oral Comments (OC) (given to a court reporter at the hearing)

Ted Nark (OC 1-1)
Barb Williams (OC 2-1)

EMAIL COMMENTS

From: randjjune@aol.com [<mailto:randjjune@aol.com>]
Sent: Monday, January 30, 2006 5:19 PM
To: Allison Ray
Subject: Re: I-405 project

Dear Allison,

The reference e mail is a formal comment for the record.

Thanks,

Reid June

-----Original Message-----

From: Allison Ray <rayalli@wsdot.wa.gov>
To: randjjune@aol.com
Sent: Mon, 30 Jan 2006 19:01:32 -0600
Subject: RE: I-405 project

Reid,

Since the comment period for this EA extends from today, January 30th through March 3rd, could you please respond to this email and note that it is a formal comment for the record? Thank you, Allison Ray

-----Original Message-----

From: randjjune@aol.com [<mailto:randjjune@aol.com>]
Sent: Fri 1/20/2006 10:45 AM
To: Allison Ray
Subject: I-405 project

Dear Allison:

EC 1-1

My concern is with the increased highway noise levels that will surely come with the addition of two more lanes to I-405 between I-90 and NE 8th St. I may be unable to attend the February 7 hearing, and want to go on record as strongly urging noise mitigation efforts.

We have lived at 1603 12st Ave SE since 1964, and have been subjected to ever-increasing levels of highway noise, mostly generated from the vehicle tire-highway surface interface. Compression brake noise from eighteen-wheelers is often heard as well. (Some communities have signs prohibiting their use within city limits on interstate highways.)

EC 1-2

The wall built several years ago is not effective, and when wind and weather conditions are right, it sounds as if we're living in a wind tunnel testing high speed aircraft. Our back yard is essentially unusable for this reason. In the front of our house, the noise comes along 121st Avenue from the south, reflected from neighboring structures, to the point that a normal conversation is not possible.

I attended the hearing several years ago when the wall was being proposed. Noise experts among the affected residents noted at that time that for the wall to be effective, it had to be closer to the noise source. The wall seems to be least effective in the several blocks immediately south of us. The resulting noise is "blown our way", to the north.

EC 1-3

There was discussion of using a "softer" surfacing material that would be better than concrete for noise reduction. Studded tire damage to the concrete exacerbates the problem, easily noted when driving along the highway. The combination of concrete and stud damage contributes to the noise generated.

Please do what ever is possible to reduce highway noise in our community.

Thank you,

Reid June

Email from Reid June to Allison Ray on January 30, 2006

EC 1-1

My concern is with the increased highway noise levels that will surely come with the addition of two more lanes to I-405 between I-90 and NE 8th St. I may be unable to attend the February 7 hearing, and want to go on record as strongly urging noise mitigation efforts.

We have lived at 1603 121st Ave SE since 1964, and have been subjected to ever-increasing levels of highway noise, mostly generated from the vehicle tire-highway surface interface. Compression brake noise from eighteen-wheelers is often heard as well. (Some communities have signs prohibiting their use within city limits on interstate highways.)

Response to EC 1-1

The use of compression brakes is under jurisdiction of the local city or county. The enforcement of compression brake use is under the jurisdiction of State Patrol. WSDOT evaluates the posting of signs prohibiting compression brakes at the request of local cities or counties. Criteria that determine if a sign is placed include both roadway safety and sign effectiveness.

Noise mitigation is typically effected through construction of a noise wall. WSDOT's decision on whether or not to include each noise wall in the project was made according to its policy on noise barrier feasibility and reasonableness. Determination of engineering feasibility included whether barriers could be built in a location to achieve a noise reduction of at least 7 A-weighted decibels (dBA) at one or more receptors (single or groups of residences), and a reduction of at least 5 dBA at the majority of the first row of receptors.

Determining reasonableness includes the number of sensitive receptors benefited by at least 3 dBA; the cost-effectiveness of the barriers; and concerns such as aesthetics, safety, and the desires of nearby residents. WSDOT policy states that it is reasonable to provide as much as 905 square feet of barrier for residences that currently experience a noise level of 69 dBA.

The Noise Abatement Criteria (NAC) identifies 67 dBA as the limit above which noise is disruptive to human sleep and conversation. The Federal Highway Administration (FHWA) bases its NAC on speech interference, which is a well-documented effect that is relatively reproducible in human response studies. WSDOT provides noise abatement for noise levels 66 dBA and higher.

EC 1-2

The wall built several years ago is not effective, and when wind and weather conditions are right, it sounds as if we're living in a wind tunnel testing high speed aircraft. Our back yard is essentially unusable for this reason. In the front of our house, the noise comes along 121st Avenue from the south, reflected from neighboring structures, to the point that a normal conversation is not possible.

I attended the hearing several years ago when the wall was being proposed. Noise experts among the affected residents noted at that time that for the wall to be effective, it had to be closer to the noise source. The wall seems to be least effective in the several blocks immediately south of us. The resulting noise is "blown our way," to the north.

Response to EC 1-2

As part of the I-405 Woodridge Noise Analysis (1991), a noise measurement of 69 dBA was taken at 1627 121st Avenue SE (Receptor 39) on May 16th 1991. This noise measurement was taken prior to the construction of the existing noise barrier and the high occupancy vehicle (HOV) lanes. Existing noise levels at Receptor 39 were measured on April 19, 2005, and modeled to be 63.8 and 64 dBA, respectively. Therefore the existing noise barrier provides at least a 5-dBA reduction in noise level at this location, lowering it below the NAC of 67 dBA.

In the year 2030, noise levels in the backyard for first-row residences near your home at 1535 and 1627 121st Avenue SE (Receptors 43 and 39) (see Sheet 2 of EA Exhibit 5.2-1) were modeled to range between 63 and 65 dBA. (You are within three houses of both these measurement sites.) In the year 2030, noise levels for the front yard of second-row residences (Receptors 42 and 38) were modeled to range between 59 and 61 dBA. These noise levels are below the NAC. Areas where receptors do not approach or exceed the noise abatement criteria were not evaluated for additional mitigation or for the effectiveness of existing noise barriers. WSDOT and FHWA do not provide mitigation for noise level increases attributed to wind or weather conditions. Please see the Existing Conditions section and Appendix B of the I-405 Bellevue Nickel Improvement Project Noise and Vibration Discipline Report for more detailed information on measured and modeled noise levels.

Existing and future noise levels for the blocks immediately south of your residence along 121st Avenue SE between SE 18th Street and SE 21st Street (Receptors 30, 31, 32, 33, 36 and 37) were measured and modeled to range between 53 and 64 dBA. These noise levels are also below the NAC and were not evaluated for additional mitigation.

EC 1-3

There was discussion of using a “softer” surfacing material that would be better than concrete for noise reduction. Studded tire damage to the concrete exacerbates the problem, easily noted when driving along the highway. The combination of concrete and stud damage contributes to the noise generated.

Please do whatever is possible to reduce highway noise in our community.

Response to EC 1-3

WSDOT conducts ongoing research on the technology of new highway surfaces and their corresponding benefits and costs. Based on this as well as information from public involvement and participation, tests will be conducted in the I-405 corridor on different types of quieter pavement as part of the construction project. Also, this summer (2006), WSDOT will conduct a separate pavement study to determine the long-term pavement performance characteristics of Open Graded Friction Courses (OGFC) on southbound I-5 in Lynnwood. Both studies will measure the quieter pavement’s noise-reduction characteristics, its resistance to studded tire wear, its durability, and its splash/spray characteristics in comparison to a control area. In addition, these studies will document any challenges with the construction of quieter pavement during paving operations. WSDOT will measure noise intensity monthly for a minimum of 5 years or until the pavement requires replacement. For further information, please visit:
<http://www.wsdot.wa.gov/biz/mats/pavement/QuieterPavements/OGFCWorkPlan.pdf>
<http://www.wsdot.wa.gov/biz/mats/pavement/QuieterPavements/QuieterPavementsUpdate.pdf>
<http://www.wsdot.wa.gov/biz/mats/pavement/QuieterPavements/QuieterPavementsUpdate12-2-05.pdf>

From: David F.Plummer [<mailto:pdf3@comcast.net>]
Sent: Sunday, February 05, 2006 10:22 AM
To: Allison Ray
Subject: Comments on Environmental Assessment for I-405 Nickel
Projects, I-90 to SE 8th St.

Hello!

EC 2-1 | In reviewing the Environmental Assessment for I-405 Nickel Projects,
EC 2-2 | I-90 to SE 8th St., I could not find any quantitative assessment of
EC 2-3 | performance improvements expected from implementation of the proposed
projects, as compared to the same quantitative metrics for the
'no-action' alternative. For example, what are the comparative values
of peak-hour traffic average vehicle speed in the area of the projects
for the proposed action and the 'no-action' alternative; for any
predicted increase in peak-hour average vehicle speed, what is the cost
of the proposed projects compared to the cost of the 'no-action'
alternative; what are the comparative values for some measure of
safety; etc. These comparative quantitative measures should be
summarized in the environmental assessment report.

David F. Plummer

14414 NE 14th Place
Bellevue, WA 98007-4001

Email from David F. Plummer to Allison Ray, February 23, 2006

EC 2-1

In reviewing the Environmental Assessment for I-405 Nickel Projects, I-90 to SE 8th St., I could not find any quantitative assessment of performance improvements expected from implementation of the proposed projects, as compared to the same quantitative metrics for the 'no-action' alternative. For example, what are the comparative values of peak-hour traffic average vehicle speed in the area of the projects for the proposed action and the 'no-action' alternative?

Response to EC 2-1

When the project opens to traffic in 2009, the Bellevue Nickel Improvement Project will improve travel speeds through the study area by as much as 15 miles per hour during the AM and PM peak hours as compared to conditions without the project. We evaluated traffic operations in years 2014 and 2030 and found that as traffic volumes increase over time, these speeds will begin to decrease. Please refer to the Traffic and Transportation Discipline Report for more detailed information.

EC 2-2

[F]or any predicted increase in peak-hour average vehicle speed, what is the cost of the proposed projects compared to the cost of the 'no-action' alternative?

Response to EC 2-2

The project was funded by the Washington State Legislature at \$185 million. Currently, the Bellevue Nickel Improvement Project serves between 14,000 and 15,000 vehicles during each peak period. These vehicles would experience benefits in speed and accident reduction. Please see Section 5.1 of the EA and the Traffic and Transportation Discipline Report for more detailed information.

EC 2-3

[W]hat are the comparative values for some measure of safety; etc. These comparative quantitative measures should be summarized in the environmental assessment report.

Response to EC 2-3

Currently, the majority of accidents in this section of I-405 are rear-end collisions. The Bellevue Nickel Improvement Project will reduce these congestion-related accidents compared to conditions without the project. Additionally, the project will improve safety at I-90's connection with northbound I-405 by eliminating the existing merge at that location. The westbound and eastbound I-90 ramps to northbound I-405 currently have to merge together before entering I-405. The Bellevue Nickel Improvement Project will eliminate this merge and allow each lane to enter northbound I-405 as a separate lane. This modification will improve traffic flow and safety at this location. Removal of the existing Wilburton tunnel will also improve safety. The existing tunnel has non-standard shoulders, which will be improved as part of the Bellevue Nickel project. Please see the Traffic and Transportation Discipline Report for more detailed information.

From: Renay Bennett [mailto:renaybennett@msn.com]
Sent: Sunday, February 26, 2006 2:45 PM
To: Allison Ray
Subject: 405 comments

Please consider these as my formal comments for the Environmental Assessment on the proposed freeway widening projects on 405.

- EC 3-1 | This EA inadequately addresses the impacts that will be borne to the neighborhoods, the fragile environmental areas, and the historic places that will occur if the state continues to press for freeway widening in sensitive areas. Without real mitigation, these areas will fail and pre-condemnation blight will occur and irreversible damage will happen.
- EC 3-2 | The noise readings taken by Parsons Brinkerhoff are suspect. This group has given several hundred dollars to the campaign coffers of former Bellevue City Council Mayor Connie Marshall.
- EC 3-3 | The environmental areas will not survive the addition of these additional lanes, nor will the wildlife, and endangered fish runs that exist.

It is shameful that the state puts out such poor assessments as these. I can only deduce that this is a concerted effort to ram a politically unpalatable idea down the throats of long-term taxpayers, that are forced to pay for such trash - and will continue to pay for it for decades to come.

Renay Bennett
826 108th Ave. S.E.
Bellevue WA 98004

Email from Renay Bennett to Allison Ray, February 26, 2006

EC 3-1a

This EA inadequately addresses the impacts that will be borne to the neighborhoods if the state continues to press for freeway widening in sensitive areas. Without real mitigation, these areas will fail and pre-condemnation blight will occur and irreversible damage will happen.

Response to EC 3-1a

The additional travel lanes to be added to I-405 will immediately benefit local residents, commuters, transit riders, and freight haulers. WSDOT conservatively estimated that traffic patterns on local streets and overall driving behavior are not expected to change as a result of the proposed project. However, with more capacity, some drivers may make the choice to use I-405 as an option over local streets.

Because all project-related improvements will occur within existing WSDOT right of way, no relocations of homes or businesses will be required. Access to nearby parks, trails, and other recreational facilities will remain unchanged by the project. Existing and proposed pedestrian and bicycle facilities, including the City of Bellevue's plan for a future bicycle and pedestrian path along the BNSF railroad right of way, will not have any permanent effects as a result of the proposed project.

Reasonable efforts will be made to maintain pedestrian and bicycle facilities through the duration of the construction project. Due to construction, if it becomes necessary to temporarily close these facilities to maintain user safety, public notice will be provided and alternatives will be evaluated and implemented as appropriate.

The project will also slightly increase traffic-related noise levels in the study area. The Noise Abatement Criteria (NAC) identifies 66 A-weighted decibels (dBA) as the limit to whether mitigation should occur or not. Modeling indicates that without mitigation, noise levels will approach or exceed the NAC at seven locations (representing 27 residences). Traffic noise from I-405 is responsible for the elevated traffic noise levels at five of the seven sites that will approach or exceed the FHWA criterion. At Receptors 40 and 59, noise comes from 118th Avenue SE and 112th Avenue SE respectively, and not from I-405. WSDOT evaluated several mitigation measures at the other five sites to determine if they could effectively and reasonably reduce traffic noise levels.

WSDOT evaluates the reasonableness of a proposal to mitigate for noise by considering:

- Number of sensitive receptors (i.e. single or small group of residences) that will benefit by at least 3 dBA;
- Cost-effectiveness of the noise barriers;
- Concerns such as aesthetics, safety, and the desires of nearby resident; and
- Consistency with WSDOT policy.

WSDOT will therefore construct a new noise wall approximately 725 feet in length and as high as 16 feet along the eastern edge of I-405, approximately 1,000 feet north of the I-90/I-405 interchange, to minimize traffic noise effects to residents of the Juniper Ridge Apartments. For more information on noise, please see the Noise and Vibration Discipline Report.

We also expect the project to permanently change the visual quality of the study area for both I-405 users and neighbors. The potential effects include creating new paved areas, removing existing trees and vegetation, and constructing high retaining walls and a noise barrier. We have incorporated a number of landscaping and architectural treatments into the design to minimize adverse visual effects and to make the project more aesthetically pleasing. Specifically, we have incorporated “context sensitive solutions” (CSS) that included local involvement to minimize the visual effects of the project, as well as avoidance and minimization measures typical for transportation projects, such as retaining existing natural vegetation to the greatest extent possible and planting new vegetation to screen constructed features. Other treatments, such as enhancing the design of retaining walls and noise walls, are additional techniques included in the project design to reduce the apparent scale and mass of these structures.

EC 3-1b

This EA inadequately addresses the impacts that will be borne to the fragile environmental areas if the state continues to press for freeway widening in sensitive areas. Without real mitigation, these areas will fail and pre-condemnation blight will occur and irreversible damage will happen.

Response to EC 3-1b

WSDOT will mitigate for effects as a result of project construction. For example, WSDOT is designing the creation of a new stream channel west of the southbound I-405 lanes. WSDOT will mitigate for the loss of functions and values associated with the portion of Median Stream and its buffer that will be affected by construction. The project will treat stormwater before it is discharged into Mercer Slough and/or its associated wetlands. WSDOT will provide flow control to ensure that existing conditions are maintained in the study area.

There will be no direct effects to special status wildlife species (e.g., bald eagle, pileated woodpecker, and great blue heron). The project will affect common wildlife species (e.g., raccoon and opossum) by reducing the amount of habitat available for them in the study area. Removing forest habitat will affect species commonly found in urban forested environments (e.g., reducing the amount of nesting habitat available for birds such as the American robin and resting sites for species such as raccoon). WSDOT will address habitat loss by planting native trees and shrub in the project area.

A wetland will be created within Kelsey Creek Park to mitigate for the loss of the low-value wetlands in the median area of I-405. The majority of wetlands within the study area are of low value due to their proximity to I-405. Wetlands within the study area have been disturbed to some extent by development, including the original construction of I-405 and surrounding development. The wetlands that will be affected by the project have reduced function due to their location in the freeway median.

The project will affect less than an acre of these wetlands. As compensation, WSDOT will create over an acre of wetlands within a 3.5-acre site in Kelsey Creek Park, located north of the intersection of Richards Road and the Lake Hills Connector. The new wetland at Kelsey Creek Park will be consistent with existing wetlands at the park. The new wetland will have higher functionality than those that will be affected at the construction site.

EC 3-1c

This EA inadequately addresses the impacts that will be borne to the historic places if the state continues to press for freeway widening in sensitive areas. Without real mitigation, these areas will fail and pre-condemnation blight will occur and irreversible damage will happen.

Response to EC 3-1c

The Wilburton Trestle and Norwood Village are eligible to be listed on the National Register of Historic Places. They are near the project corridor and were evaluated in the Area of Potential Effect. However, the project will have no adverse effects on these two historic properties.

EC 3-2

The noise readings taken by Parsons Brinkerhoff are suspect. This group has given several hundred dollars to the campaign coffers of former Bellevue City Council Mayor Connie Marshall.

Response to EC 3-2

The noise readings done by Parsons Brinkerhoff were in accordance with Federal Highway Administration guidelines.

EC 3-3

The environmental areas will not survive the addition of these additional lanes, nor will the wildlife, and endangered fish runs that exist.

Response to EC 3-3

WSDOT will mitigate for negative effects to natural resources. Currently, WSDOT is finalizing its design plans for a new stream reach to be constructed adjacent to the disturbed area (i.e., upper reach of “Median Stream”). Wetland creation will compensate for the 0.74 acre of fill to low-value wetland. The new wetland at Kelsey Creek Park will be consistent with existing wetlands at the park. The new wetland will have higher functionality than those that will be affected by the construction project. As previously discussed, there will be very limited effects to wildlife habitat due to its fragmented nature and low quality. When vegetation clearing occurs, WSDOT will re-vegetate with appropriate native plant species. Furthermore, WSDOT will replace trees that are damaged during temporary construction work and will plant trees to offset those removed as a result of the project footprint. WSDOT will also include native species in the riparian plantings along the new reach of Median Stream.

No salmonids reside in Median Stream. They are unable to reach the stream due to lack of defined channels and/or steep slopes from Mercer Slough to Median Stream. However, WSDOT’s stream mitigation will provide organic input into the system that will directly benefit any fish species that reside in this reach of the stream. WSDOT is working with the appropriate regulatory agencies and tribes to ensure that our mitigation is appropriate per the effects of the project.

Lastly, new stormwater treatment facilities will improve existing water quality, treating surface runoff before it drains into Mercer Slough and/or its associated wetlands. Best management practices will also protect waters and wetlands during project construction.

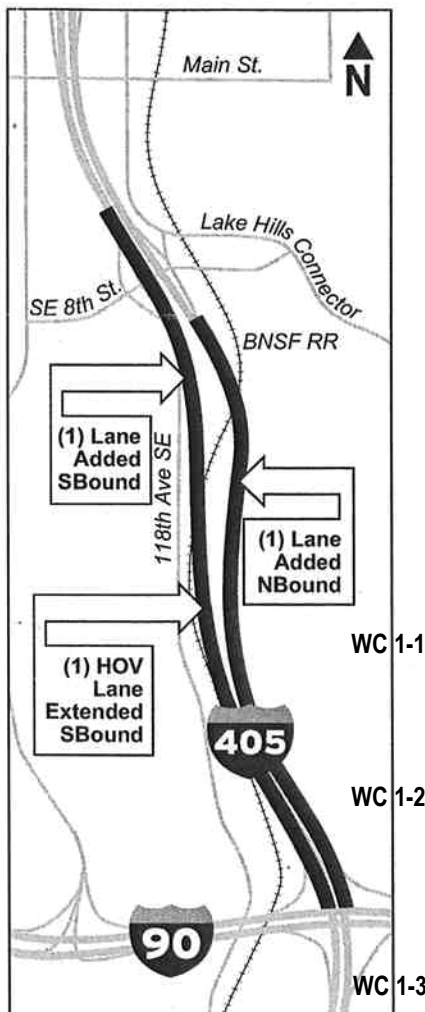
WRITTEN COMMENTS



Corridor Program

Congestion Relief & Bus Rapid Transit Projects

I-405 Bellevue Nickel Improvement Project I-90 to Southeast 8th Street



I-405, I-90 to SE 8th St.- Bellevue Nickel Improvement Project

- Construct one southbound lane from SE 8th St. to I-90
- Construct one northbound lane from I-90 to SE 8th St.
- Replace the Wilburton Tunnel
- Extend the southbound HOV lane from I-90 to SE 8th St.

Today's open house and Environmental Assessment (EA) hearing is an opportunity for the public to learn more about the Bellevue Nickel Improvement Project and offer individual formal comments to a court reporter on the EA. Before construction can begin, project level analysis is required to confirm the environmental effects within the project limits—on I-405 between SE 8th Street in Bellevue to I-90. The Bellevue Nickel Improvement Project will construct one southbound lane from the vicinity of SE 8th St. to I-90 and one northbound lane from I-90 to SE 8th St., replace the existing Wilburton Tunnel with a new structure and extend the southbound right-side HOV lane back to the SE 8th St. interchange.

Please provide written comments in the area below and you may leave this form with a staff person or at the welcome station where you signed in. You may also mail your comments to the I-405 Corridor Program Office, attention Allison Ray, Environmental Manager. Letters or forms must be postmarked by March 3, 2006.

- ① Do not use the old Wilburton Tunnel for DOT equip. or maint. needs, (or as a future Light Rail maintenance base). Use extreme caution to filter drainage so that no oil, fuel or heavy metals reach the wetlands and spawning streams below.
- ② Do not use the bottom of #12 Exit ramp and SE 8th for materials & equipment staging. This was done on past projects and it ^(over)

To be added to our mailing list please provide your contact information:

Name Steve Williams
Address 12634 - SE 4th Place
Phone and/or email Bellevue, WA 98005

For additional questions or comments, contact:

Allison Ray
Allison.Ray@i405.wsdot.wa.gov
www.wsdot.wa.gov/projects/i405

Please provide your comments on this project by March 3, 2006



Corridor Program

Congestion Relief & Bus Rapid Transit Projects

WC 1-3
(cont.)

Additional comments:

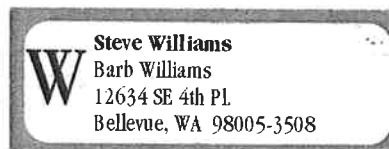
resulted in an unsightly mess of vehicles, signs, cones, barricades and litter. Fuel & oil leached into the salmon stream (Kelsey Creek) below, and the two Sweetgum trees suffered soil compaction, scarred trunks and broken branches. The fence rails put in by Bellevue Parks to protect them were even used by the flagging contractor to prop his signs & store his trash! As a result, you are seen by Wilburton and Woodridge residents as a "bad neighbor". State DOT should mitigate for damages by removing the blackberry bushes and replanting with native trees & shrubs. (You have an opportunity now to repair the damage and create a lasting positive image).

WC 1-4

WC 1-5

③ Do additional environmental mitigation to compensate for lost habitat (esp. big trees ^{now} used for nesting by hawks & owls). Re-vegetate the new line and create a public viewpoint park at the Woodridge edge, - would provide expansive western views of Sunsets, Olympic Mts., Downtown Bellevue, the Mercer Slough and historic railroad trestle.

fold here - tape closed before sending



SEATTLE WA 981

23 FEB 2006 PM 14



Allison Ray
WSDOT
600 - 108th Avenue NE, Suite 405
Bellevue, WA 98004-9800

RECEIVED

FEB 24 2006

URBAN CORRIDORS OFFICE

98004-9801



Written Comments from Resident Steve Williams to Allison Ray, February 24, 2006

WC 1-1

Do use the old Wilburton Tunnel for DOT equip. or maint. needs. (Or as a future Light Rail maintenance base).

Response to WC 1-1

WSDOT can now add the general-purpose lane by widening the existing roadway. The widening of the roadway will require WSDOT to remove the existing Wilburton Tunnel.

WC 1-2

Use extreme caution to filter drainage so that no oil, fuel or heavy metals reach the wetlands and spawning streams below.

Response to WC 1-2

The Surface Water, Floodplains, and Water Quality Discipline Report references a temporary erosion and sedimentation control (TESC) plan; a Spill Prevention, Control and Countermeasures (SPCC) plan; as well as numerous best management practices (BMPs). An SPCC plan is used to minimize effects to soil, surface water, and groundwater. The plan addresses procedures, equipment, and materials used in the event of a spill. WSDOT will provide the SPCC plan to address how onsite hazardous materials will be managed. The SPCC plan will specifically address fuel spills from construction equipment and other chemical spills during construction. Spill response equipment will be located at regular intervals within the project area for minimizing response times. The SPCC plan will be implemented prior to the commencement of construction activities.

WC 1-3

Do not use the bottom of #12 Exit ramp and SE 8th for materials & equipment staging. This was done on past projects and it resulted in an unsightly mess of vehicles, signs, cones, barricades and litter. Fuel & oil leached into the salmon stream (Kelsey Creek) below, and the two Sweetgum trees suffered soil compaction, scared trunks and broken branches. The fence rails put in by Bellevue Parks to protect them were even used by the flagging contractor to prop his signs & store his trash!

Response to WC 1-3

Final staging areas will be determined prior to construction and will be monitored by WSDOT for adherence to the TESC plan, the SPCC plan, and the BMPs. Typically, WSDOT will look for staging areas at or near the site that have already been disturbed. If staging results in areas that will be disturbed, WSDOT will work with the City of Bellevue to ensure that sensitive areas are protected and appropriate re-vegetation occurs.

WC 1-4

As a result, you are seen by Wilburton and Woodridge residents as a “bad neighbor,” State DOT should mitigate for damages by removing the blackberry bushes and replanting with native trees & shrubs. (You have an opportunity now to repair the damage and create a lasting positive image).

Response to WC 1-4

WSDOT will mitigate for any direct temporary or permanent effects to vegetation by replanting with native species. If we do not disturb an area, we will not alter the vegetation of that area.

WC 1-5

Do additional environmental mitigation to compensate for lost habitat (esp. big trees now used for nesting by hawks & owls). Re-vegetate the new lid and create a public viewpoint park at the Woodridge edge - would provide expansive western views of Sunsets, Olympic Mountains, Downtown Bellevue, the Mercer Slough and historic railroad trestle.

Response to WC 1-5

WSDOT does compensate for lost vegetation by replacing trees that are either damaged during temporary construction work and/or are removed due to the new project footprint. WSDOT is committed to maintaining and/or improving aesthetics with new native species plantings as a part of the project.

2/07/06 Open House & Project Input Room



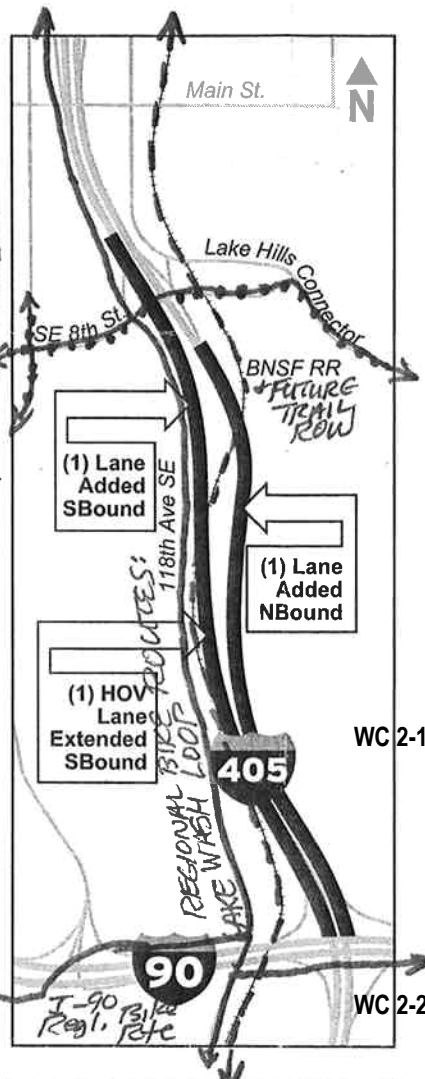
Corridor Program

Congestion Relief & Bus Rapid Transit Projects

Bellevue International School
445-128th Ave SE 4-7pm

I-405 Bellevue Nickel Improvement Project I-90 to Southeast 8th Street

FUTURE BIKE/PEDESTRIAN TRAIL ON BNSF ROW
MAJOR SECONDARY BIKE ROUTE
REGIONAL-CLASS BIKE ROUTES



I-405, I-90 to SE 8th St.- Bellevue Nickel Improvement Project

- Construct one southbound lane from SE 8th St. to I-90
- Construct one northbound lane from I-90 to SE 8th St.
- Replace the Wilburton Tunnel
- Extend the southbound HOV lane from I-90 to SE 8th St.

Today's open house and Environmental Assessment (EA) hearing is an opportunity for the public to learn more about the Bellevue Nickel Improvement Project and offer individual formal comments to a court reporter on the EA. Before construction can begin, project level analysis is required to confirm the environmental effects within the project limits—on I-405 between SE 8th Street in Bellevue to I-90. The Bellevue Nickel Improvement Project will construct one southbound lane from the vicinity of SE 8th St. to I-90 and one northbound lane from I-90 to SE 8th St., replace the existing Wilburton Tunnel with a new structure and extend the southbound right-side HOV lane back to the SE 8th St. interchange.

Please provide written comments in the area below and you may leave this form with a staff person or at the welcome station where you signed in. You may also mail your comments to the I-405 Corridor Program Office, attention Allison Ray, Environmental Manager. Letters or forms must be postmarked by March 3, 2006.

Avoid impacting existing & future bicycle routes in project area, & mitigate any impacts that cannot be readily avoided. Pay especial attention in this regard to the major existing bike routes, & pending future routes such as via the BNSF R.O.W. (See annotates on vicinity map at left). Be sure the I-405 project's crossings of the BNSF ROW do not preempt economical, efficient conversion of the ROW from ext. rail-only operations to trail, or to rail+trail joint operations at a future date. The County will be acquiring this R.O.W!

To be added to our mailing list please provide your contact information:

Name Mr Dennis R Neuzil
2307 94th Ave NE
Address Clyde Hill WA 98004

Phone and/or email 425-455-1419
dennisneuzil@foxinternet.com

For additional questions or comments, contact:

Allison Ray
Allison.Ray@i405.wsdot.wa.gov
www.wsdot.wa.gov/projects/i405

Dennis Neuzil
2/22/06

Please provide your comments on this project by March 3, 2006



Corridor Program

Congestion Relief & Bus Rapid Transit Projects

Additional comments:

~~the Central Puget Sound~~
For information on ~~a~~ Regional-Class Bicycle Route Network recommended by the region's cyclists, please consult "Left by the Side of the Road: Puget Sound Regional Bicycle Route Network Study -- Assessment & Recommendations", * accessible at

www.cascade.org/advocacy

and on compact disc at the Cascade Bicycle Club
attention Advocacy Director David Hiller, 206-522-9479

* Published Dec. 2005

fold here - tape closed before sending

D. NEUZIL
2307 94th AVE NE
BELLEVUE, WA 98004

RECEIVED
FEB 9 8 2006
URBAN CORRIDORS OFFICE



Allison Ray
WSDOT
600 - 108th Avenue NE, Suite 405
Bellevue, WA 98004-9800

Written Comments from Resident Dennis R. Neuzil to Allison Ray, February 28, 2006

WC 2-1

Avoid impacting existing & future bicycle routes in project area, & mitigate any impacts that cannot be readily avoided. Pay especial attention in this regard to the major existing bike routes, & pending future routes such as via the BNSF R.O.W. (See annotes on vicinity map at left).

Response to WC 2-1

The Bellevue Nickel Improvement Project will not prevent the future use of the Burlington Northern Santa Fe (BNSF) railroad right of way as a pedestrian and bicycle trail. The Bellevue Nickel Improvement Project does not include nonmotorized facilities but does allow for local development of such facilities, consistent with City of Bellevue policy.

Neither the design nor the construction of the Bellevue Nickel Improvement Project will conflict with local transportation plans such as the City of Bellevue Transportation Department's 1999 Pedestrian and Bicycle Transportation Plan. To see a list of the various bicycle projects that are included as part of the 1999 Pedestrian and Bicycle Transportation Plan, please refer to Exhibit 14 of the Land Use Patterns, Plans and Policies Discipline Report entitled, "Pedestrian and Bicycle Project List." For additional discussion on this issue, please see pages 14 and 34 of the Land Use Patterns, Plans and Policies Discipline Report.

WC 2-2

Be sure the I-405 project's crossings of the BNSF ROW do not preempt economical, efficient conversion of the ROW from existing rail-only operations to trail, or to rail & trail joint operations at a future date. The County will be acquiring this R.O.W!

Response to WC 2-2

The BNSF Railway, the Puget Sound Regional Council, and King County are in dialogue regarding the possible future ownership and use of the railroad right of way. The proposed design for the project will accommodate the conversion of the right of way to trail, or rail and trail operation at a future date.

LETTER COMMENTS



RECEIVED

MAR 06 2006

URBAN CORRIDORS OFFICE

STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

TTY 711 or 800-833-6388 (For the Speech or Hearing Impaired)

March 2, 2006

Department of Transportation
I-405 Project Office
Attn: Allison Ray
600 108th Avenue NE, Suite 405
Bellevue, WA 98004

RE: I-405, I-90 to SE 8th (Bellevue Nickel) Project – Environmental Assessment
Comments

Dear Ms. Ray:

Ecology has reviewed the Environmental Assessment (EA) for the above-referenced project. Ecology has outlined our concerns on this project as presented in the project application in our JARPA comment letter (see January 12, 2006 letter from R. Ponzio) and I have attached this letter for your reference. In addition to these comments, the following is a set of comments in response to this EA.


- | | |
|--------|---|
| LC 1-1 | 1. Has WSDOT looked into how the overall project will impact the sub-basin of Median Creek? Specifically, how will the project will impact the balance of surface and groundwater that runs through this system of hillslope seeps, the wetland in the median between the northbound and southbound lanes of I-405, and the wetland associated with the proposed stream mitigation site? |
| LC 1-2 | 2. Ecology encourages WSDOT to address any potentially negative impacts on the wetland associated with the stream mitigation site. This includes, but is not limited to, designing the stream mitigation site in the relatively small room available, addressing the elevation drop at the stream outlet, and maintaining the stream outlet pipe location away from the existing wetland. |
| LC 1-3 | 3. Ecology encourages WSDOT to minimize temporary and permanent impacts to aquatic resources and buffers wherever possible. Therefore, we support the use of retaining walls in areas adjacent to aquatic resources, as well as other measures that will reduce the need for clearing of vegetation in buffer areas. |
| LC 1-4 | 4. We recommend that construction in work areas that are in or adjacent to wetlands and streams be done during low rainfall months. |



- LC 1-5 | 5. We recommend re-vegetating all areas of temporary disturbance within aquatic sensitive areas and their buffers by planting native trees and shrubs.

Comments offered during the NEPA/SEPA process are not all-inclusive and do not preclude raising other issues or offering additional comments during the 401 permit review process. Thank you for the opportunity to review this document. We look forward to working with you in the future. If you have any questions about our comments, please don't hesitate to contact me via phone at 425-649-7181 or via email at rpon461@ecy.wa.gov.

Sincerely,



Rebecca Ponzio
Federal Project Manager/MAP Team
Washington State Department of Ecology
425-649-7181

Attached: JARPA Comment Letter

Letter from Rebecca Ponzio, Federal Project Manager/MAP Team, Washington State Department of Ecology, to Allison Ray, Dated March 2, 2006

LC 1-1

Has WSDOT looked into how the overall project will impact the sub-basin of Median [Stream]? Specifically, how will the project impact the balance of surface and groundwater that runs through this system of hillslope seeps, the wetland in the median between the northbound and southbound lanes of I-405, and the wetland associated with the proposed stream mitigation site?

Response to LC 1-1

Since this question was asked of WSDOT, the stream mitigation proposal has been significantly changed due to the new change in the alignment. WSDOT will conduct stream mitigation on-site and the plan is in development. Seepage flow into the system of hillslope seeps and the wetland in the median (Wetland 12.45M) of I-405 will be maintained by under-drains that will be installed beneath the retaining wall to the east of the northbound lanes. As these seeps become surface runoff, the existing direct connection to Median Stream will be maintained. Flows will either infiltrate into the ecology embankment (a best management practice) or return as seeps into the wetland. The overall hydrology to Wetland 12.4L will be the same and all water will ultimately discharge through the wetland under Southeast 118th Street and into the Mercer Slough wetland as it does today.

LC 1-2

Ecology encourages WSDOT to address any potentially negative impacts on the wetland associated with the stream mitigation site in the relatively small room available, addressing the elevation drop at the stream outlet, and maintaining the stream outlet pipe location away from the existing wetland.

Response to LC 1-2

Since this question was asked of WSDOT, the stream mitigation proposal has been significantly changed due to the new change in the alignment. WSDOT will conduct on-site stream mitigation and the plan is in development. The replaced culvert outfall will be constructed in a manner to maintain existing stream and wetland hydrology.

LC 1-3

Ecology encourages WSDOT to minimize temporary and permanent impacts to aquatic resources and buffers wherever possible. Therefore, we support the use of retaining walls in areas adjacent to aquatic resources, as well as other measures that will reduce the need for clearing of vegetation in buffer areas.

Response to LC 1-3

WSDOT will minimize temporary and permanent effects to aquatic resources and buffers by implementing various avoidance and minimization measures (included as Attachment 4). WSDOT will minimize clearing of buffer vegetation. If vegetation clearing occurs, WSDOT will re-vegetate as appropriate with native vegetation. Furthermore, WSDOT will replace invasive vegetation within the stream mitigation site with native vegetation to improve function and values.

LC 1-4

We recommend that construction in work areas that are in or adjacent to wetland and streams be done during low rainfall months.

Response to LC 1-4

WSDOT will adhere to in-water work windows per permit conditions outlined in the Hydraulic Permit Approval and elsewhere. WSDOT will adhere to all construction BMPs.

LC 1-5

We recommend re-vegetating all areas of temporary disturbance within aquatic sensitive areas and their buffers by planting native trees and shrubs.

Response to LC 1-5

WSDOT will restore temporarily cleared areas to pre-construction grades and replant the areas with appropriate native vegetation. Restoration areas include the temporary construction area surrounding the built project footprint.



MUCKLESHOOT INDIAN TRIBE

Fisheries Division

39015 - 172nd Avenue SE • Auburn, Washington 98092-9763
Phone: (253) 939-3311 • Fax: (253) 931-0752



March 3, 2006

Allison Ray
I-405 Environmental Manager
Washington State Department of Transportation
600 108th Avenue NE, Suite 405
Bellevue, WA 98004

RE: I-405, Bellevue Nickel Project, Environmental Assessment (EA) and Fish and Aquatic Resources and Surface Water and Floodplains Discipline Reports

Dear Ms. Ray:

The Muckleshoot Indian Tribe has reviewed the above referenced EA and technical reports. We are offering the following comments in the interest of protecting and/or restoring the Muckleshoot Indian Tribe's fisheries resources.

In general, the project will avoid many potential adverse impacts associated with widening I-405 in a 2 mile area. As noted in the EA, 500 feet of an unnamed stream draining to Mercer Slough will be filled and 1.7 acres of streamside vegetation along this stream will be permanently removed. The proposed mitigation for these impacts is to create 500 linear feet of new stream channel, plant 1.2 acres of streamside vegetation along this new channel, and enhance 0.9 acre of existing stream buffer by planting native vegetation. In addition, the project will result in a total of 0.94 acre of wetland fill in three wetlands. The proposed mitigation for these impacts is to create 1.0 acre of new wetland area near an existing wetland in Kelsey Creek Park. We would like to see the detailed drawings for these mitigation measures as soon as they are available and expect to work closely with the Washington Department of Transportation as federal, state, and local government permits are issued for this project to ensure that fisheries habitat protection and restoration are maximized.

LC 2-1

We appreciate the opportunity to comment on this proposal. Our specific comments are attached for your consideration. If you have any questions about these comments or would like to meet to discuss them, please contact me at (253) 876-3116.

Sincerely,

Karen Walter
Watershed and Land Use Team Leader

Cc: Jim Leonard, FHWA
Kathy Kunz, ACOE, Regulatory
Stewart Reinbold, WDFW, Region 4
Alice Kelly, WDOE, Northwest Region

Comments to the Environmental Assessment

Fisheries and Aquatic Resources

- LC 2-2 On page 5.3-3, the EA fails to discuss if the culverts that will be replaced at Mileposts 11.7, 11.8, and 12.03 will be made fish passable or not. The EA also fails to discuss if the new culvert conveying Median Stream will be fish passable or not. The Surface Water Discipline Report indicates that all four of these culverts will not be made fish passable. This Discipline Report also notes that Median Creek is a perennial fish-bearing water, as is Trail Creek. We recommend that the structures provide fish passage for adult and juvenile fish and do not interfere with the movement of wood, water, and sediment from up to downstream areas.

Surface Water, Water Quality, and Floodplains

- LC 2-3 On page 5.4-2, the EA fails to discuss if the Kelsey Creek and Sturtevant Creek culverts are fish barriers or not. The Surface Water Discipline Report indicates that the Kelsey Creek culvert is passable, but does not discuss Sturtevant Creek. It is our understanding that the I-405 culvert conveying Sturtevant Creek is a fish barrier and the Fisheries Discipline Report states this on page 33. It should be replaced with a structure that provides fish passage for adult and juvenile fish and does not interfere with the movement of wood, water, and sediment from up to downstream areas.

Comments on the Fisheries Discipline Report

- LC 2-4 Page 17, please note that communicating with the Northwest Indian Fisheries Commission about fisheries resources within the Muckleshoot Indian Tribe's Usual and Accustomed Area does not substitute for working directly with the Tribe's Fisheries Division. We did not communicate with the author of this discipline report directly regarding fish use and fish habitat outside of one field visit.

- LC 2-5 Page 18, the decision to determine which fish passage barriers requires retrofitting or replacement affects fisheries resources important to the Tribe. As a result, WSDOT should not make this decision solely.

- LC 2-6 Page 22, please note that Puget Sound Steelhead have been petitioned for listing under the Endangered Species Act. (See <http://www.nwr.noaa.gov/ESA-Salmon-Listings/Salmon-Populations/AIsea-Response/Steelhead-ESA-Listings.cfm>).

- LC 2-7 Page 25, the report should discuss if there were drought conditions during the April and May 2005 field visits to the affected streams.

- LC 2-8 Page 27, the author of this report should consider the potential for the Mercer wetlands to be used by juvenile coho in the winter despite the statement regarding the lack of a defined channel. (See <http://www.psmfc.org/habitat/cohowin.html>; <http://depts.washington.edu/cwws/Theses/sampson.html>; http://www.th.gov.bc.ca/publications/eng_publications/environment/references/Ponds_and_Wetlands_Fact_Sheet.pdf).

- LC 2-9 Page 44, please elaborate about the potential for stormwater to be discharged to the affected streams in the project area. The EA failed to discuss this clearly and the Surface Water Discipline report suggested that all stormwater generated from the site would be discharged to the Mercer wetlands, hence the stormwater quantity exemption. If there will be stormwater discharges to the affected streams, then there may be adverse impacts to salmonids using these streams and additional mitigation measures necessary.

Letter from Karen Walter, Watershed and Land Use Team Leader, Muckleshoot Indian Tribe, to Allison Ray, dated March 3, 2006

LC 2-1

We would like to see the detailed drawings for these mitigation measures as soon as they are available and expect to work closely with the Washington Department of Transportation as federal, state, and local government permits are issued for this project to ensure that fisheries habitat protection and restoration are maximized.

Response to LC 2-1

WSDOT will provide these drawings when they become available and will continue to work with the Tribe.

LC 2-2

[Fisheries and Aquatic Resources]

On page 5.3-3, the EA fails to discuss if the culverts that will be replaced at Mileposts 11.7, 11.8, and 12.03 will be made fish passable or not. The EA also fails to discuss if the new culvert conveying Median Stream will be fish passable or not. The Surface Water Discipline Report indicates that all four of these culverts will not be made fish passable. This Discipline Report also notes that Median [Stream] is a perennial fish-bearing water, as is Trail Creek. We recommend that the structures provide fish passage for adult and juvenile fish and do not interfere with the movement of wood, water, and sediment from up to downstream areas.

Response to LC 2-2

The culverts that WSDOT is replacing in this project will not be made fish passable.

Except for Median Stream and Trail Creek, the culverts to be replaced do not connect to any upstream fish habitat and do not have a defined channel downstream of 118th Avenue SE. These culverts do not have a direct connection to any fish-bearing streams.

The Trail Creek culvert will not be made fish passable as the grade separating the segments of Trail Creek up- and downstream of I-405 exceeds 20 percent, thereby creating a natural fish passage barrier. The Median Stream culvert will not be made fish passable because only a minimal amount of open stream habitat in the I-405 median will remain post construction, and the grade separating the segments of Median Stream in the I-405 median and upstream of I-405 exceeds 20 percent.

WSDOT now proposes enhancement of Wetland 12.4L and of Median Stream to the west of I-405 as mitigation for project impacts to streams.

LC 2-3

[Surface Water, Water Quality, and Floodplains]

On page 5.4-2, the EA fails to discuss if the Kelsey Creek and [Sturtevant] Creek culverts are fish barriers or not. The Surface Water Discipline Report indicates that the Kelsey Creek culvert is passable, but does not discuss Sturtevant Creek. It is our understanding that the I-405 culvert conveying [Sturtevant] Creek is a fish barrier and the Fisheries Discipline Report states this on page 33. It should be replaced with a structure that provides fish passage for adult and juvenile fish and does not interfere with the movement of wood, water, and sediment from up to downstream areas.

Response to LC 2-3

Sturtevant Creek was part of the study area that was addressed in the discipline report but is not part of the construction project. The northern limit of the construction project is south of the Sturtevant Creek culvert under I-405. As no roadwork is proposed at this location, the culvert is not being considered for replacement at this time.

LC 2-4

[Comments on the Fisheries Discipline Report]

Page 17, please note that communicating with the Northwest Indian Fisheries Commission about fisheries resources within the Muckleshoot Indian Tribe's Usual and Accustomed Area does not substitute for working directly with the Tribe's Fisheries Division. We did not communicate with the author of this discipline report directly regarding fish use and fish habitat outside of one field visit.

Response to LC 2-4

We agree that the author of the Fisheries Report did not directly communicate with the Muckleshoot Indian Tribe's Fisheries Division.

However, WSDOT staff have, and will continue to communicate with, the Muckleshoot Indian Tribes' Fisheries Division.

LC 2-5

Page 18, the decision to determine which fish passage barriers requires retrofitting or replacement affects fisheries resources important to the Tribe. As a result, WSDOT should not make this decision solely.

Response to LC 2-5

WSDOT understands the importance of the fisheries resource to the Muckleshoot Tribe and appreciates any input the Tribe may have. WSDOT will continue its coordination efforts with the Tribe on important tribal resource issues such as fish passage.

LC 2-6

Page 22, please note that Puget Sound Steelhead have been petitioned for listing under the Endangered Species Act. (See <http://www.nwr.noaa.gov/ESA-Salmon-Listings/Salmon-Populations/Alsea-Response/Steelhead-ESA-Listings.cfm>).

Response to LC 2-6

Comment noted. WSDOT included steelhead in its analysis of project effects.

LC 2-7

Page 25, the report should discuss if there were drought conditions during the April and May 2005 field visits to the affected streams.

Response to LC 2-7

WSDOT is aware that spring 2005 was a drier-than-normal spring. WSDOT followed protocols that require the presence of water; otherwise, the necessary measurements could not be taken. All streams contained water at the time of the survey.

We consider field visits to be “snapshots” of normal conditions. Although some of the data we collected (e.g., wetted width, water depth, velocity, and possibly habitat units) might be affected by drier-than-normal conditions, the majority of the measurements would remain valid. For instance, data related to flood width, bankfull width, bank angle, riparian cover conditions, and substrate would all be unaffected by drier-than-normal conditions.

LC 2-8

Page 27, the author of this report should consider the potential for the Mercer wetlands to be used by juvenile coho in the winter despite the statement regarding the lack of a defined channel. (See <http://www.psmfc.org/habitat/cohowin.html>; <http://depts.washington.edu/cwws/Theses/sampson.html>; www.th.gov.bc.ca/publications/eng_publications/environment/references/Ponds_and_Wetlands_Fact_Sheet.pdf).

Response to LC 2-8

Mercer Slough and its tributaries are designated as salmon- and trout-spawning, core-rearing and migration areas (Washington Administrative Code 173 201A 600). For the purposes of analysis, we presumed coho known to use Lake Washington are present in Mercer Slough and its associated wetlands.

LC 2-9

Page 44, please elaborate about the potential for stormwater to be discharged to the affected streams in the project area. The EA failed to discuss this clearly and the Surface Water Discipline report suggested that all stormwater generated from the site would be discharged to the Mercer wetlands, hence the stormwater quantity exemption. If there will be stormwater discharges to the affected streams, then there may be adverse impacts to salmonids using these streams and additional mitigation measures necessary.

Response to LC 2-9

The project will treat stormwater and discharge it into Mercer Slough or to the wetlands that surround it via existing channels. All stormwater discharges are through channels that lose their form as they reach the higher elevation/boundary of the Mercer Slough wetland. Even though we have quantity exemption to Mercer Slough, WSDOT is still providing flow control to ensure that existing conditions are maintained in these channels and conveyance systems between I-405 and the Mercer Slough wetland. WSDOT will provide flow control to match existing peak discharge and peak durations for the range of storm events between 50 percent of the 2-year and 50-year recurrence interval (per the *Highway Runoff Manual*). This level of protection is not necessary where we discharge directly to Mercer Slough due to backwater influence from Lake Washington.

ORAL COMMENTS

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4 WSDOT I-405 Corridor Program
5 Bellevue Nickel Improvement Project Environmental Hearing
6 and Open House
7
8
9

10 February 7, 2006

11 4:00 - 7:00 P.M.

12 International Middle School, Commons

13 445 - 128th Avenue Southeast

14 Bellevue, WA 98007
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18 One-on-One Comments
19
20

21 ORIGINAL
22
23

24 Catherine A. Decker, Court Reporter

25 CCR 1975

I N D E X O F C O M M E N T A R YNamePage

Ted Nark ----- 3

1627 121st Avenue Southeast

Bellevue, WA 98005

Barb Williams ----- 5

12634 Southeast 4th Place

Bellevue, WA 98005

TED NARK

My name is Ted Nark. I live right off the freeway at the corner of Southeast 16th and 121st. My house has been there 42 years, and when I bought the house new, there was a small road down below. The biggest concern was how much noise the trains would make. The trains are no longer nor have they ever been a problem, but by increasing the road width, adding lanes, you have contributed seriously to my noise. It has caused me to invest in upgrading my windows to keep the noise level down, an economic impact I wasn't expecting when I bought the home.

And from all things that I've seen, my particular house has got the highest noise level of any house bordering on the freeway. I may be off by one or two homes, but not by much.

I look at what you're doing to alleviate the noise, and I can see nothing practical that can be done to reduce the noise level in the future except maybe putting a lid on the highway, which is likely never to happen. And in lieu of doing that, which I recognize is impractical, I wonder why there's been no options, no consideration for an economic rezeroing of the process. I've lost value on my house. My next door

OC 1-1

1 neighbor's house took eight months to sell at
2 significantly less than he expected to get for it. And
3 I'm seriously wondering what will happen to me when I
4 try to sell and how much I will lose in the sale of the
5 house because of the freeway below me. I'd like to
6 know what if anything can be done to level the playing
7 field economically should I wish to sell; and I will be
8 in a few years because I'm 74 years old.

Oral Comments (OC) Received from Ted Nark, February 7, 2006 EA Public Hearing

OC 1-1

I look at what you're doing to alleviate the noise, and I can see nothing practical that can be done to reduce the noise level in the future except maybe putting a lid on the highway, which is likely never to happen. And in lieu of doing that, which I recognize is impractical, I wonder why there's been no options, no consideration of an economic rezeroing of the process.

Response to OC 1-1

If the comment is correctly understood, WSDOT and Federal Highway Administration (FHWA) do not provide mitigation for economic impacts due to noise impacts. Mitigation measures are only evaluated for areas that are predicted to approach or exceed the Noise Abatement Criteria (NAC). The NAC identifies 67 A-weighted decibels (dBA) as the limit above which noise is disruptive to human conversation. The FHWA bases its NAC on speech interference in outdoor use areas, which is a well-documented effect that is relatively reproducible in human response studies. Only if mitigation measures are found to be feasible and reasonable per WSDOT policy and procedures, will mitigation measures be proposed as part of the project. In areas that do not approach or exceed the NAC, no mitigation is evaluated or proposed.

As part of the I-405 Woodridge Noise Analysis (1991), a noise measurement of 69 dBA was taken at 1627 121st Avenue SE (Receptor 39, which includes your residence) on May 16, 1991. This noise measurement was taken prior to the construction of the existing noise barrier and the high-occupancy vehicle lanes. Existing (2005) noise levels at Receptor 39 were measured and modeled to be 63.8 and 64 dBA, respectively. Therefore, the existing noise barrier provides at least a 5 dBA reduction in noise level at this location, lowering it below the NAC of 67 dBA. In the year 2030, noise levels for 1627 121st Avenue were modeled to be 65 dBA. Therefore, WSDOT did not evaluate additional mitigation for this area.

If, however, the comment refers to the economic level established in the determination of feasibility and reasonability, the allowable area and cost factors were studied and presented to the FHWA, which has accepted the current WSDOT Policy and Procedures Manual for Noise.

BARB WILLIAMS

I'm Barb Williams, and I live at 12634 Southeast 4th Place in Bellevue. And my husband and I have spent some time working with Bellevue city and the parks department saving two sweet gum trees that are right near the trestle, they're on the western side of the Wilburton Trestle. And the parks department finally put some little fences, half fences, around these trees because it's been a staging area, I believe, when they were working on that Southeast 8th and Richards Road interchange there. I believe maybe it's DOT land. And so it was a staging area for a lot of heavy equipment.

The sweet gum trees are street trees in Bellevue, so they are a tree that they plant along the streets, which is why they were interested in them. We tried to move them and couldn't. But we're concerned or wondering if there will be more impact on these two trees because it may become a big staging area for equipment, as it was in the past. And heavy metal plates compact the roots of these trees.

I think one of the benefits of these trees is that in the fall they turn very bright, lovely fall colors, and a lot of photographers like to come and take pictures of the trees with the trestle behind it. Kind

1 of a nifty shot.

2 So I guess this is our concern as to whether there
3 will be some thought for these trees and how much
4 equipment is going to be there again. I know they had
5 a trailer there in the past, and heavy trucks, et
6 cetera. So I guess that's my question as to will this
7 become another heavy equipment staging area or is there
8 a way that we can prevent that maybe or keep it a
9 little bit away from the trees. Thank you.

C E R T I F I C A T E

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I, Catherine A. Decker, a Notary Public in and for the
State of Washington, do hereby certify:

That the foregoing comments was taken before me at the time
and place therein set forth;

That the comments was recorded stenographically by me
and thereafter transcribed under my direction;

That the foregoing transcript is a true record of the
comments given at the time to the best of my ability.

I further certify that I am in no way related to any party
to this matter, nor do I have any interest in the matter.

Witness my hand and seal this 14th day of February,
2006.

Catherine A. Decker

CATHERINE A. DECKER, Notary
Public in and for the State of
Washington, residing at Medina.
Commission expires June 29, 2009.
WA CSR No. DE-CK-EC-A502J5

Oral Comments (OC) Received from Barb Williams, February 7, 2006 EA Public Hearing

OC 2-1

We're concerned or wondering if there will be more impact on these two trees because it may become a big staging area for equipment, as it was in the past.

Response to OC 2-1

WSDOT will state in its Request for Proposal (RFP) that the contractor shall avoid this area during project construction. Final staging areas will be determined prior to construction and will be monitored by WSDOT for adherence to the temporary erosion and sedimentation control (TESC) plan; the Spill Prevention, Control and Countermeasures (SPCC) plan; and the construction best management practices (BMPs). WSDOT will identify and develop staging areas for equipment repair and maintenance away from all drainage courses. Typically, WSDOT will look for staging areas at or near the site that have already been disturbed. If staging results in areas that will be disturbed, WSDOT will ensure that sensitive areas are protected and appropriate re-vegetation occurs.

Attachment 6: Concurrence Letters

This attachment includes the following agency concurrence letters for the FONSI regarding the Bellevue Nickel Improvement Project Biological Assessment and Section 4(f) compliance pertaining to wetlands mitigation in the City of Bellevue's Kelsey Creek Park:

- USFWS concurrence letter to WSDOT, dated January 23, 2006
- NMFS concurrence letter to WSDOT, dated July 20, 2006
- WSDOT 4(f) letter to City of Bellevue, dated May 18, 2006, concurrence signature by City of Bellevue on May 30, 2006



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Western Washington Fish and Wildlife Office
510 Desmond Dr. SE, Suite 102
Lacey, Washington 98503



RECEIVED

JAN 23 2006

URBAN CORRIDORS OFFICE

JAN 19 2006

Michelle Steinmetz
Biology Program Manager - WSDOT
I-405 Corridor Program Office
600-108th Avenue NE, Suite 405
Bellevue, Washington 98004

Dear Ms. Steinmetz:

This letter is in response to the request for informal consultation on the Interstate 405 (I-405) Bellevue Nickel and Implementation Projects in King County, Washington. Your letter and enclosed Biological Assessment (BA), dated November 9, 2005, and received in our office on November 10, 2005, requests U.S. Fish and Wildlife Service (Service) concurrence with the determination of "may affect, not likely to adversely affect" for the bald eagle (*Haliaeetus leucocephalus*), and bull trout (*Salvelinus confluentus*). It is our understanding that this request is being submitted to us by the Washington State Department of Transportation (WSDOT), Urban Corridors I-405 Project Office on behalf of the Federal Highway Administration. This informal consultation has been conducted in accordance with section 7(a)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

The Bellevue Nickel and Implementation Projects occur between I-90 and SE 8th Street. Project activities include addition of two new lanes north and south bound, with proposed retaining walls; widening of the north bound bridge over the Burlington Northern Santa Fe railway; shifting of a portion of the southbound alignment for the construction of a new seven-lane tunnel; reconstruction of the ramps at the SE 8th Street interchange; and construction of one additional bridge over SE 8th Street. The project also includes the construction of six storm water ponds (detention ponds combined with stormwater treatment wetlands). Additional water quality treatment will be provided utilizing Ecology Embankment features along the mainline where possible. Discharged treated stormwater will follow existing flow patterns to Mercer Slough or to the wetlands that surround it.

We believe sufficient information has been provided to determine the effects of the proposed project to federally listed species/critical habitat and to conclude whether this project is likely to adversely affect those species/critical habitat. Our concurrence would be based on information in (1) the BA dated November 2005; (2) the Land Use Analysis document dated 2004; (3) a

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meeting between the Service, National Marine Fisheries Service, WSDOT, and the Federal Highway Administration on November 14, 2005; (4) additional information received via electronic mail on December 20 and 28, 2005 and January 17, 2006; (5) complete and successful implementation of the conservation and performance measures described in the BA; and the following rationale.

Bald Eagle

Bald eagles may forage along Kelsey Creek and Mercer Slough within the action area. The sound generated by the proposed construction activities could temporarily disrupt bald eagle foraging activities.

Project activities will not remove or impact suitable bald eagle habitat. Sound levels are expected to attenuate to background level one-half mile from the project site. Abundant foraging and resting habitat is available adjacent to and throughout the action area (i.e., the greater Lake Washington shoreline). With the abundant foraging and resting habitat in and adjacent to the action area, the effects of potential temporary disruption of foraging and resting are considered insignificant.

Bull Trout

The proposed project will occur in the Lake Washington watershed, and will discharge stormwater to Kelsey Creek and Mercer Slough. The habitat within the project/action area could support foraging, migratory, and overwintering bull trout. Bull trout have been detected in Lake Washington and some of its tributaries. Bull trout using the action area would be adult and subadult anadromous bull trout from bull trout core areas/subpopulations to the south (i.e., Puyallup) and north (i.e., Stillaguamish, Snohomish, and Skagit). Bull trout would most likely occur in the Lake Washington tributaries in response to foraging opportunities on juvenile or spawning salmon. Based on limited knowledge of bull trout in the Lake Washington watershed, we expect that the likelihood of bull trout in Kelsey Creek and Mercer Slough is very rare and the potential for exposure to stormwater discharge is highly unlikely.

The proposed project will result in the addition of 14.04 acres of new impervious surface. Impervious surfaces and their resultant stormwater will alter hydrologic functions of the stream systems within the action area and may expose bull trout and their prey resources to contaminated stormwater runoff. Increases in peak flows will be minimized through the use of detention ponds and impacts to baseflows will be difficult to detect. The project proposes to treat stormwater runoff from all of the existing and new impervious surfaces within the action area using enhanced stormwater technologies aimed at the removal of heavy metals. Modeling shows that the proposed stormwater treatment facilities should reduce the annual pollutant loading of total suspended solids (74 percent), total copper (49 percent), and total zinc (51 percent) from existing baseline condition. Stormwater discharged from the project area to Mercer Slough and Kelsey Creek

will likely mix and dilute with existing surface water to a level that will be difficult to detect once in Lake Washington.

Given the low likelihood of bull trout in the action area the effects of the project on bull trout are considered discountable.

To expedite the environmental review process, if the Federal Highway Administration concurs with the effect determinations for listed species/critical habitat, then you may consider this action to be in compliance with requirements of 50 CFR 402.13, thereby concluding the consultation process. The project should be reanalyzed if new information reveals effects of the action that may affect listed species or critical habitat in a manner, or to an extent, not considered in this consultation. The project should also be reanalyzed if the action is subsequently modified in a manner that causes an effect to a listed species or critical habitat that was not considered in this consultation, and/or a new species is listed or critical habitat is designated that may be affected by this project.

If you have further questions about this letter or your responsibilities under the Endangered Species Act of 1973, as amended, please contact Jennifer Quan at (360) 753-6047 or John Grettenberger at (360) 753-6044, of this office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Ken S. Berg', written over a horizontal line.

Ken S. Berg, Manager
Western Washington Fish and Wildlife Office

cc:

FHWA – Olympia (J. Leonard)

WSDOT – ESO, Olympia (M. Carey)



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

NMFS Tracking No:
2005/06144

July 20, 2006

Michelle Steinmetz
Biology Program Manager
WSDOT - Urban Corridors Office
401 2nd Ave. S., Suite 560
Seattle, WA 98104-3850

Re: Endangered Species Act Section 7 Informal Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation:
Interstate 405 Congestion Relief and Bus Rapid Transit Projects – Bellevue Nickel Improvement, King County, Washington. (HUC, 171100120302, Cedar River).

Dear Ms. Steinmetz:

This correspondence is in response to your request for consultation under the Endangered Species Act (ESA) and the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The National Marine Fisheries Service (NMFS) has reviewed the Biological Assessment (BA) and Essential Fish Habitat (EFH) assessment received from the Washington State Department of Transportation (WSDOT), the non-Federal representative for the Federal Highway Administration (FHWA), on November 10, 2005 and the amended BA received on July 11, 2006. Federal action by the FHWA is the funding of the project, in whole or part. NMFS has also reviewed your request for concurrence with the effect determination of “may affect, not likely to adversely affect” for Puget Sound (PS) Chinook salmon (*Oncorhynchus tshawytscha*), and designated PS Chinook critical habitat, as well as your request to conference on the effects to PS steelhead (*Oncorhynchus mykiss*).

According to the BA and the subsequent amendment, the WSDOT proposes to add one new general purpose lane in each direction along a 2 mile section of Interstate (I) 405 between I-90 and Southeast 8th Street in Bellevue, Washington. These new lanes will be constructed on the inside sections of the highway. Additional improvements include upgrades to existing on- and off- ramps and high occupancy vehicle lanes.

The WSDOT and FHWA will be treating stormwater from 6.60 acres of new impervious surface and retrofitting 12.29 acres out of a total of 37.67 existing acres of impervious surface within the project area. All treatment will consist of basic and enhanced stormwater treatment per the WSDOT 2004 Highway Runoff Manual. The primary treatment consists of ecology embankments, stormwater treatment wetlands, and detention ponds located in the project right-of-way. The effects on water quality from stormwater will be minimized through the use of a performance standard that will ensure that stormwater treatment facilities within the action area will achieve a no net increase in pollutant loading for Total Suspended Sediment (TSS), dissolved and total copper and zinc, and hydrocarbons for any stormwater effluent that



discharges into Mercer Slough and Lake Washington and any associated tributaries to those water bodies. The performance standard will ensure that stormwater treatment facilities within the action area remove contaminants to levels that are not harmful to listed fish species, prior to entering fish-bearing waters.

In-water work will occur in Median and Trail creeks, and an additional two unnamed tributaries, all of which do not contain PS Chinook. These creeks and tributaries discharge to Mercer Slough, which contains PS Chinook. Within Median Creek, WSDOT will be; (1) dewatering 186 linear feet of creek, (2) permanently affecting 0.07 acres of in-stream habitat, and (3) permanently disturbing 1.25 acres of riparian vegetation. These impacts will be mitigated by creating an additional stream channel within the right-of-way, adding riparian buffer and increased channel sinuosity, creating in-stream habitat structures, and replacing 1.25 acres of riparian vegetation. If Median Creek is flowing during in-water work, any PS Chinook using Mercer Slough may experience some turbidity. The effects from turbidity will be minimized by implementing a detailed Temporary Erosion and Sediment Control Plan (TESC).

The WSDOT will be filling approximately 0.134 acres of wetland. These wetland impacts will be mitigated by creating/enhancing 3.6 acres of wetlands in a section of Kelsey Creek Park. Up to 27.5 acres of upland forest and 3.2 acres of shrub vegetation will be temporarily disturbed and replanted at a 1:1 ratio at project completion.

Both vibratory and impact driving techniques will be utilized in upland areas. In the case of Kelsey Creek, which contains listed species, pile driving will be occurring no closer than 175 feet of the Ordinary High Water Mark (OHWM).

Construction will begin in the summer of 2007 and completed in 2010. WSDOT will work within the OHWM during the May 1 through October 15 in-water work window, as established by the Washington Department of Fish & Wildlife (WDFW). It should be noted that no in-water work will occur in Kelsey Creek, a fish-bearing tributary to Mercer Slough.

Species Determination

NMFS has analyzed the potential impacts of the project and has determined that effects to PS Chinook will be discountable for the following reasons:

1. Juvenile PS Chinook are least likely to be in the action area during the in-water work window of May 1 – October 15 because they will have already outmigrated to the sea and low flows and subsequent high temperatures of the creeks will likely preclude presence of juvenile PS Chinook in the vicinity of the work.
2. Adult PS Chinook are likely to be holding in nearshore areas (i.e. Mercer Slough) during the work window before entering Kelsey Creek to spawn in late October. No in-water work will be occurring in Kelsey Creek as part of this project.

In addition, NMFS has determined that effects to PS Chinook will be insignificant for the following reasons:

1. Effects on water quality from the mobilization of sediment will be minimized by isolating and dewatering all in-water work areas and implementing a detailed Temporary Erosion and Sediment Control Plan, which specifies implementing best management practices (BMPs) to eliminate the movement of soils and sediment both in the creek and from all upland construction areas.
2. Potential pollution-related effects to PS Chinook from mechanical equipment working near adjacent surface waters will be avoided and minimized by implementing a Spill Prevention Control & Countermeasure Plan, which specifies BMPs to eliminate the discharge of construction-related pollution to surface waters.
3. Effects on water quality from stormwater will be minimized through the use of a performance standard that will ensure that stormwater treatment facilities within the action area will achieve a no net increase in pollutant loading for TSS, dissolved and total copper and zinc, and hydrocarbons for any stormwater effluent that discharges into Mercer Slough and Lake Washington and any associated tributaries to those water bodies. The performance standard will ensure that stormwater treatment facilities within the action area remove contaminants to levels not harmful to PS Chinook.

NMFS therefore concurs with your determination of “may affect, not likely to adversely affect” for PS Chinook salmon.

Critical Habitat Determination

The final rule designating critical habitat for PS Chinook was published on September 2, 2005 (70 FR 52630) and became effective on January 2, 2006. Critical habitat includes Lake Washington, and includes a lateral extent as defined by the ordinary high-water line (33 CFR 319.11). The Primary Constituent Elements (PCEs) proposed for the critical habitat of PS Chinook salmon ESU that exist in the action area are:

1. Freshwater migration corridors free of obstruction and excessive predation with water quantity and quality conditions and natural cover such as submerged and overhanging large wood, aquatic vegetation, etc.
2. Freshwater rearing sites with water quantity and floodplain connectivity to form and maintain physical habitat conditions and support juvenile growth and mobility, water quality and forage supporting juvenile development, and natural cover such as shade, submerged and overhanging large wood, log jams, etc.

NMFS has analyzed the potential impacts of the project on PS Chinook critical habitat and the PCEs. NMFS has determined that the impacts to the PCEs for migration and rearing will be discountable because all in-water work will be occurring in creeks within the action area that do not contain listed fish species, and therefore will not impede migration and rearing by juvenile PS Chinook during construction.

NMFS has also determined that the impacts to the PCEs for migration and rearing will be insignificant for the following reasons:

- The effects on water quality from the mobilization of sediment will be minimized by isolating and dewatering all in-water work areas and implementing a detailed Temporary Erosion and Sediment Control Plan, which specifies implementing best management practices (BMPs) to eliminate the movement of soils and sediment both in the creek and from all upland construction areas.
- Potential pollution-related effects from mechanical equipment working near adjacent surface waters will be avoided and minimized by implementing a Spill Prevention Control & Countermeasure Plan, which specifies BMPs to eliminate the discharge of construction-related pollution to surface waters.
- Stormwater contaminants will be minimized through the use of a performance standard that will ensure that stormwater treatment facilities within the action area will achieve a no net increase in pollutant loading for TSS, dissolved and total copper and zinc, and hydrocarbons for any stormwater effluent that discharges into Mercer Slough and Lake Washington and any associated tributaries to those water bodies.

NMFS concurs with your determination “may affect, but not likely to adversely affect” for PS Chinook critical habitat. This concludes informal consultation pursuant to the regulations implementing the ESA, 50 CFR 402.13.

The regulations (50 CFR 402.08) implementing section 7 of the ESA of 1973, as amended, allow a Federal agency to designate a non-Federal representative to conduct informal consultations or prepare BAs by giving written notice to the Director of such designation. NMFS has received the letter written May 10, 1999 from Federal Highways Administration (FHWA), Gene Fong, Division Administrator, so designating WSDOT as their non-Federal representative. The ultimate responsibility for compliance with section 7 remains with FHWA.

This concludes informal consultation on these actions in accordance with 50 CFR 402.14(b)(1). The FHWA must re-analyze this ESA consultation: (1) if new information reveals effects of the action that may affect listed species in a way not previously considered; (2) if the action is modified in a manner that causes an effect to the listed species that was not previously considered; or (3) if a new species is listed or critical habitat designated that may be affected by the identified actions.

Puget Sound Steelhead Conferencing

NMFS has analyzed the potential impacts of the project and has determined that effects to PS steelhead will be discountable for the following reasons:

1. Juvenile PS steelhead are least likely to be in the action area during the in-water work window of May 1 – October 15 because most will have already outmigrated to the sea and

low flow and subsequent high temperatures of the creeks will likely preclude presence of juvenile PS steelhead in the vicinity of the work.

2. During the work window, adult PS steelhead are least likely to be in the vicinity because they will likely be holding in nearshore areas (i.e. Mercer Slough) before entering Kelsey Creek to spawn in late November. No in-water work will be occurring in Kelsey Creek as part of this project.

In addition, NMFS has determined that effects to PS steelhead will be insignificant for the following reasons:

1. Effects on water quality from the mobilization of sediment will be minimized by isolating and dewatering all in-water work areas and implementing a detailed Temporary Erosion and Sediment Control Plan, which specifies implementing best management practices (BMPs) to eliminate the movement of soils and sediment both in the creek and from all upland construction areas.
2. Potential pollution-related effects to PS steelhead from mechanical equipment working near adjacent surface waters will be avoided and minimized by implementing a Spill Prevention Control & Countermeasure Plan, which specifies BMPs to eliminate the discharge of construction-related pollution to surface waters.
3. Effects on water quality from stormwater will be minimized through the use of a performance standard that will ensure that stormwater treatment facilities within the action area will achieve a no net increase in pollutant loading for TSS, dissolved and total copper and zinc, and hydrocarbons for any stormwater effluent that discharges into Mercer Slough and Lake Washington and any associated tributaries to those water bodies. The performance standard will ensure that stormwater treatment facilities within the action area remove contaminants to levels not harmful to PS steelhead.

Therefore, NMFS concurs with your "no jeopardy" determination. This concludes informal conference pursuant to the regulations implementing the ESA, 50 CFR 402.10. This project should be reanalyzed if new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not considered in this consultation. The project should also be reanalyzed if the action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this consultation, and/or if a new species is listed or critical habitat for another species is designated that may be affected by this project.

Magnuson-Stevens Fishery Conservation and Management Act

Federal agencies are required, under section 305(b)(2) of the MSA and its implementing regulations (50 CFR 600 Subpart K), to consult with NMFS regarding actions that are authorized, funded, or undertaken by that agency that may adversely affect Essential Fish Habitat (EFH). The MSA section 3 defines EFH as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." If an action would adversely affect EFH,

NMFS is required to provide the Federal action agency with EFH conservation recommendations (MSA section 305(b)(4)(A)). This consultation is based, in part, on information provided by the Federal action agency and descriptions of EFH for Pacific salmon contained in Appendix A to Amendment 14 to the Pacific Coast Salmon Plan (August 1999) developed by the Pacific Fishery Management Council and approved by the Secretary of Commerce (September 27, 2000).

The project areas include habitat which has been designated as EFH for various life stages for Chinook, coho (*O. kisutch*), and Puget Sound sockeye salmon (*O. mykiss*).

Essential Fish Habitat Conservation Recommendations: Because the conservation measures that the FHWA included as part of the proposed actions to address ESA concerns are also adequate to avoid, minimize, or otherwise offset potential adverse effects to the EFH of Chinook, coho, and sockeye, conservation recommendations pursuant to (MSA section 305(b)(4)(A)) are not necessary. Since NMFS is not providing conservation recommendations at this time, no 30-day response from the FHWA is required (MSA section 305(b)(4)(B)).

This concludes consultation under the MSA. If the proposed action is modified in a manner that may adversely affect EFH, or if new information becomes available that affects the basis for NMFS EFH conservation recommendations, the FHWA will need to reinstitute consultation in accordance with the implementing regulations for EFH at 50 CFR 600.920(l).

NMFS appreciates your efforts to comply with requirements under the ESA and the MSA. If you have questions, please contact Sean Callahan (Sean.Callahan@noaa.gov) at the Washington State Habitat Office, (206) 526-6121.

Sincerely,



D. Robert Lohn
Regional Administrator

CC: Jim Leonard, FHWA
Allison Ray, WSDOT, I-405 Project Office
Paul Wagner, HQ, WSDOT



Corridor Program

Congestion Relief & Bus Rapid Transit

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URBAN CORRIDORS OFFICE

600 - 108th Avenue NE, Suite 405
Bellevue, WA 98004
Main 425-456-8500
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MS: NB82-250

May 18, 2006

Kim Becklund, Transportation Policy Advisor
City of Bellevue
Transportation Division
P.O. Box 90012
Bellevue, WA 98009-9012

Re: Bellevue Nickel Improvement Project Wetland Creation at Kelsey Creek Park

Dear Ms. Becklund:

The Washington State Department of Transportation (WSDOT) and the City of Bellevue, Parks and Recreation Department have been cooperating to identify a site for wetland creation for the I-405 Bellevue Nickel Improvement Project. A site in Kelsey Creek Park has been agreed upon as described in WSDOT's December 5, 2005 letter to the City (attached).

Section 4(f) of the Department of Transportation Act of 1966 (49 USC 303) prohibits the Federal Highway Administration from approving a transportation project that uses land from a significant public park, recreation area, wildlife or waterfowl refuge, or land of an historic site of national, state or local significance, unless there is no feasible and prudent alternative, and the project includes all possible planning to minimize harm to the property.

The purpose of this letter is to reiterate for purposes of Section 4(f) compliance that:

- 1) The duration of the right of entry granted to WSDOT by the City will be temporary, i.e., through the wetland establishment period. There will be no change in ownership of the land.
- 2) The scope of the wetland creation and the magnitude of the changes will be minor within the context and use of Kelsey Creek Park. The specific wetland improvements will be described in a Wetland Mitigation Plan to be developed by WSDOT prior to permitting.
- 3) There are no anticipated permanent adverse physical impacts, nor will there be interference with the activities or purpose of Kelsey Creek Park, on either a temporary or permanent basis.
- 4) The land devoted to wetland creation will become a functioning wetland that is an improvement providing multiple environmental benefits compared to the existing condition.

The conclusion of the Bellevue Nickel Improvement Project Environmental Assessment is that this wetland creation does not constitute a transportation use under the provisions of Section 4(f).



We look forward to this partnering opportunity to create a win-win improvement for the WSDOT, the City, and the environment.

Please confirm the City's concurrence with the four points above by returning a copy of this letter signed by the City's designated representative.

Sincerely,



Allison Ray, Environmental Manager
WSDOT, I-405 Project
425-456-8610
rayalli@wsdot.wa.gov

Concurrence by City of Bellevue:



Name:

Title: ACTING UTILITIES DIRECTOR

Date:

5/30/06

cc: Denise Cieri
Robin Sterry
Pat Svoboda

Attachment: December 5, 2005 letter to Kim Becklund, City of Bellevue